

MAKING EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DEFENSE  
AND FOR THE RECONSTRUCTION OF IRAQ AND AFGHANISTAN FOR THE  
FISCAL YEAR ENDING SEPTEMBER 30, 2004, AND FOR OTHER PURPOSES

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OCTOBER 14, 2003.—Committed to the Committee of the Whole House on the State  
of the Union and ordered to be printed

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Mr. YOUNG of Florida, from the Committee on Appropriations,  
submitted the following

R E P O R T

together with

DISSENTING, AND ADDITIONAL VIEWS

[To accompany H.R. 3289]

The Committee on Appropriations submits the following report in explanation of the accompanying bill making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

BILL SUMMARY

The bill recommended by the Committee includes \$86,856,029,000 in emergency supplemental appropriations for fiscal year 2004. This includes \$65,270,629,000 for defense activities and \$21,585,400,000 for reconstruction and international assistance, principally for Iraq and Afghanistan. The bill also includes other international assistance, such as the United States' share of the assessment for the United Nations' peacekeeping mission in Liberia, as well as funding to repair storm damage caused by Hurricane Isabel.

TITLE I—NATIONAL SECURITY

CHAPTER 1

DEPARTMENT OF DEFENSE—MILITARY

In the supplemental budget request, the President requested \$65,147,554,000 for programs and activities funded through defense appropriations acts. These funds are for additional military

personnel costs, military health care support, increased operational tempo costs, procurement of equipment, increased maintenance, and support for classified activities. According to budget justification materials submitted with the request, this total includes \$51,200,000,000 for Operation Iraqi Freedom (OIF); \$10,300,000,000 for Operation Enduring Freedom (OEF); \$2,200,000,000 for Operation Noble Eagle (ONE); and \$1,400,000,000 to reimburse coalition countries for logistical and military support provided to the United States military in connection with military operations in Iraq and Afghanistan.

The Committee recommends total new appropriations of \$64,702,854,000. This includes \$64,289,554,000 for ongoing military operations, as well as an additional \$413,300,000 to provide for repairs to military facilities resulting from recent natural disasters. The Committee notes that funding requested in this chapter for the Coalition Provisional Authority has instead been provided in title II of the Committee bill.

The following table summarizes, by appropriations account or general provision, the Committee's recommendations compared to the President's request.

(Dollars in thousands)

	Request	Recommendation	Change from request
<b>Military Personnel:</b>			
Military Personnel, Army .....	12,858,870	12,188,870	-670,000
Military Personnel, Navy .....	816,100	816,100	0
Military Personnel, Marine Corps .....	753,190	753,190	0
Military Personnel, Air Force .....	3,384,700	3,384,700	0
<b>Total Military Personnel .....</b>	<b>17,812,860</b>	<b>17,142,860</b>	<b>- 670,000</b>
<b>Operation and Maintenance:</b>			
O&M, Army .....	24,190,464	24,355,664	165,200
O&M, Navy .....	2,106,258	1,934,058	- 172,200
O&M, Marine Corps .....	1,198,981	1,198,981	0
O&M, Air Force .....	5,948,368	5,598,368	- 350,000
O&M, Defense-Wide .....	4,618,452	4,485,452	- 133,000
O&M, Marine Corps Reserve .....	16,000	16,000	0
O&M, Air Force Reserve .....	53,000	53,000	0
O&M, Air National Guard .....	214,000	214,000	0
Overseas Humanitarian, Disaster & Civic Aid .....	35,500	35,500	0
Iraq Freedom Fund .....	1,988,600	1,988,600	0
<b>Total Operation and Maintenance .....</b>	<b>40,369,623</b>	<b>39,879,623</b>	<b>- 490,000</b>
<b>Procurement:</b>			
Missile Procurement, Army .....	6,200	0	- 6,200
Procurement of WTCV, Army .....	46,000	101,600	55,600
Other Procurement, Army .....	930,687	1,250,287	319,600
Aircraft Procurement, Navy .....	128,600	158,600	30,000
Other Procurement, Navy .....	76,357	76,357	0
Procurement, Marine Corps .....	123,397	123,397	0
Aircraft Procurement, Air Force .....	40,972	53,972	13,000
Missile Procurement, Air Force .....	20,450	20,450	0
Other Procurement, Air Force .....	3,441,006	3,418,006	- 23,000
Procurement, Defense-Wide .....	435,635	418,635	- 17,000
<b>Total Procurement .....</b>	<b>5,249,304</b>	<b>5,621,304</b>	<b>372,000</b>
<b>Research, Development, Test and Evaluation:</b>			
RDT&E, Navy .....	34,000	34,000	0
RDT&E, Air Force .....	39,070	39,070	0

(Dollars in thousands)

	Request	Recommendation	Change from request
RDT&E, Defense-Wide .....	265,817	195,817	— 70,000
Total Research, Development, Test and Evaluation .....	338,887	268,887	— 70,000
Revolving and Management Funds:			
Defense Working Capital Funds .....	600,000	600,000	0
National Defense Sealift Fund .....	24,000	24,000	0
Total Revolving and Management Funds .....	624,000	624,000	0
Other Department of Defense Programs:			
Defense Health Program .....	658,380	658,380	0
Drug Interdiction & Counter-Drug Activities, Defense .....	73,000	73,000	0
Total Other Department of Defense Programs .....	731,380	731,380	0
Related Agencies: Intelligence Community Management Account .....	21,500	21,500	0
Total Related Agencies .....	21,500	21,500	0
General Provisions: Section 1109—Storm Damage .....	0	413,300	413,300
Grand Total .....	65,147,554	64,702,854	— 440,700

### RECOVERY FROM NATURAL DISASTERS

The Committee bill includes a general provision that provides \$413,300,000 in funding for Operation and Maintenance and Procurement accounts, only for the military services to accomplish recovery and repairs made necessary by recent natural disasters including Hurricane Isabel. The Committee has provided funding in this general provision for recovery and repair requirements at affected Army, Navy, Marine Corps, and Air Force bases in New Jersey, Delaware, Maryland, District of Columbia, Virginia, and North Carolina. These funds are allocated as follows:

Operation and Maintenance, Army .....	\$73,600,000
Operation and Maintenance, Navy .....	126,400,000
Operation and Maintenance, Marine Corps .....	9,200,000
Operation and Maintenance, Air Force .....	201,900,000
Other Procurement, Air Force .....	2,200,000

### EQUIPMENT SHORTAGES

The Committee notes the recent efforts the Department of Defense has made to address equipment shortages experienced by American soldiers in Iraq, Afghanistan and elsewhere. Unfortunately, many individuals and units in the active and reserve force continue to suffer from shortages in equipment that if provided would enhance their survivability and enable them to better complete their assigned missions. For instance, the Committee has learned that some active duty soldiers and reservists are spending as much as \$650 out of pocket to buy Interceptor Body Armor vests and small arms protective insert plates to replace the Vietnam era flak vests issued when they arrive in Iraq. Also, the capability of currently fielded portable radio jammers does not provide an effective defense against remotely detonated explosives being used increasingly against American soldiers. With the continued rotation

of active forces and the anticipated activation of National Guard Enhanced Separate Brigades to sustain present operating levels, these problems could become even more acute.

The Committee finds it wholly unacceptable for American soldiers to be deployed to the Iraq or Afghanistan theaters with anything but the best equipment. It must be the Secretary of Defense's highest priority to eliminate shortages that, if not addressed, could cost soldiers their lives. As such, the Committee recommends significant increases in this bill to purchase protective body armor, improved portable radio frequency jammers, spare parts, and other critical items. Moreover, the Committee directs the Department and, in particular, the Army to fully fund requirements identified under the Soldier Enhancement Program, the Centralized Funding and Fielding activity, and other accounts designed to expeditiously field new equipment to soldiers. Of special interest, the Committee directs the Department to use funds approved in this measure to increase the availability of modern hydration systems to soldiers in the Iraq Theater.

The Secretary of Defense is directed to submit quarterly update reports to the congressional defense committees, starting December 31, 2003, that identify significant soldier equipment, weapon system, or spare parts shortages in the Iraq and Afghanistan theaters of operations for all major active and reserve component units. These updates also should present the solutions and timetables for procuring and distributing equipment and parts to address any identified shortages.

#### ASSESSMENT OF ATTACKS ON U.S. AND COALITION FORCES

The Committee believes that the security of U.S. and coalition forces deployed in Iraq and Afghanistan and the success of the reconstruction efforts in both countries depend on a better understanding of the individuals or groups who are engaging in attacks on our forces. The Committee directs that within 60 days of enactment of this act, the Director of Central Intelligence shall submit a classified report to the House Permanent Select Committee on Intelligence, the Senate Select Committee on Intelligence, and the congressional defense committees, providing the intelligence community's assessment based on the best available intelligence of what individuals, groups, or organizations are involved in such attacks on U.S. armed forces, coalition forces, and United Nations personnel in Iraq and Afghanistan. This report should also provide a judgment on how these individuals or groups are being organized, led, and financed.

#### FISCAL YEAR 2004 APPROPRIATIONS REPORTING REQUIREMENTS

The Committee recommendation for supplemental funding is based on the best estimates available. The supplemental budget request was submitted by the President prior to the beginning of fiscal year 2004, and is intended to fully fund known and urgent requirements that cannot reasonably be met through the use of existing funds. By promptly considering this request, the Committee seeks to ensure critical support for our military forces in Iraq, Afghanistan, and elsewhere, as well as stabilizing funding for critical

maintenance, readiness training, and base operations support at home stations.

The Committee expects that as the year progresses the Department of Defense and the military departments will be able to provide actual fiscal execution information, and better, more refined projections of expected costs. Accordingly, the Committee directs the Secretary of Defense to submit to the congressional defense committees, no later than January 31, April 30, and July 31, 2004, a comprehensive financial analysis and update for fiscal year 2004. This report will detail both actual and projected obligation of appropriations provided in this Act and the Department of Defense Appropriations Act, 2004.

#### CLASSIFIED PROGRAMS

Recommended adjustments to classified programs are addressed in a classified annex accompanying this report.

#### MILITARY PERSONNEL

The Committee recommends a total of \$17,142,860,000 for the Military Personnel accounts, a decrease of \$670,000,000 below the President's request. Funds are provided for the incremental costs of pay and allowances of the active duty and Reserve components for personnel deployed overseas in support of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Noble Eagle. Funds are also provided for costs to cover Guard and Reserve mobilization, and personnel related costs for additional military personnel maintained on active duty above the normal strength levels and affected by military stop loss programs.

The Committee's recommendation transfers funds from Military Personnel, Army to Operation and Maintenance, Army to support contracting for civilian security guards to replace Reserve component soldiers that are performing such security duty for Army installations. The Army has advised the Committee that this action would allow the Army to have equal protection at their installations, while permitting the demobilization of approximately 7,000 to 10,000 reserve component soldiers. The adjustment to the Military Personnel accounts is shown below:

[In thousands of dollars]

	Request	Recommendation	Change from request
Military Personnel, Army:			
Pay and Allowances .....	12,858,870	12,188,870	— 670,000

#### OPERATION AND MAINTENANCE

The Committee recommends \$39,879,623,000 for the Operation and Maintenance accounts, \$490,000,000 below the amount requested by the President. Funds are provided for personnel support such as temporary duty allowances and specialized clothing and equipment. Incremental military operations support funding provides for incremental flying hours, ship steaming days, ground operations, special airlift, spare parts, logistics support and fuel. Funding also provides for incremental requirements in communications, base operations support, and morale welfare and recreation

support. Adjustments to the Operation and Maintenance accounts are shown below:

[In thousands of dollars]

	Request	Recommendation	Change from request
Operation and Maintenance, Army:			
Depot Maintenance Transportation .....	0	90,000	90,000
Unit Level Maintenance .....	1,900,000	2,010,000	110,000
SAPI Plates & Unexploded Ordnance Clearance .....	0	251,200	251,200
Contract Guards .....	0	500,000	500,000
Theater Communications .....	0	72,000	72,000
Coalition Provisional Authority (Note: These funds have been transferred to title II) .....	858,000	0	- 858,000
Operation and Maintenance, Navy:			
Military Operations Support .....	1,255,000	1,105,000	- 150,000
ATARS Insufficient Justification .....	22,200	0	- 22,200
Operation and Maintenance, Air Force:			
Military Operations Support .....	5,220,400	4,870,400	- 350,000
Operation and Maintenance, Defense-Wide:			
Train and Equip .....	200,000	100,000	- 100,000
Other (Reduction to classified programs) .....	1,141,900	1,108,900	- 33,000
Emergency and extraordinary expenses .....	[15,000]	0	- 15,000
DLA (DPAO technical correction) .....	0	15,000	+15,000

The Committee has provided additional funding over the request for Army unit level maintenance (commonly referred to as 10/20 maintenance), Army second destination transportation support for depot maintenance, and in support for theater-wide communications. In addition, the Committee has increased funding for Army units to purchase body armor Special Armor Plate Insert (SAPI) and to contract for the clearing of unexploded ordnance, two critical force protection items, and strongly encourages the Army to complete these requirements as soon as possible. The Committee's recommendations for Navy and Air Force operation support/OPTempo, are below the budget request as offsets to reduce risk in Army force protection and unit readiness. Finally, as discussed earlier in this report, the Committee transfers funding from Military Personnel, Army to Operation and Maintenance, Army to support contracting for civilian security guards to replace reserve component soldiers that are performing such security duty.

### ATARS

The supplemental budget request included \$22,200,000 for ATARS repairs and upgrades. The Committee recommendation includes no funding for ATARS. Supporting documentation inadequately addressed the requirement, providing the Committee with no clear understanding for the basis of the request.

### PROCUREMENT

The Committee recommends a total of \$5,621,304,000 for various procurement appropriations. The following table provides a summary of the recommendation:

[In thousands of dollars]

	Request	Recommendation	Change from request
Missile Procurement, Army .....	6,200	0	- 6,200
Multiple Launch Rocket System .....	6,200	0	- 6,200

[In thousands of dollars]

	Request	Recommendation	Change from request
Procurement of Weapons and Tracked Combat Vehicles, Army .....	46,000	101,600	+55,600
Paladin .....	2,400	0	— 2,400
Rapid Equip Force .....	6,000	6,000	0
Rapid Fielding Initiative .....	26,200	26,200	0
Enhanced Separate Brigades .....	11,400	11,400	0
APS-5 Replenishment .....	0	58,000	+58,000
Other Procurement, Army .....	930,687	1,250,287	+319,600
Logistics Support Equipment .....	30,500	30,500	0
C2 Equipment .....	42,200	42,200	0
Radio Frequency Identification Tags .....	3,400	3,400	0
Technical Collection (Guardrail) .....	8,000	8,000	0
Enhanced Separate Brigades .....	122,500	122,500	0
Up-Armored HMMWVs .....	177,200	177,200	0
Rapid Equip Force .....	47,100	47,100	0
Rapid Fielding Initiative .....	76,600	76,600	0
Base Camp Housing Units .....	344,687	344,687	0
Mobile Search Devices .....	12,600	12,600	0
Basic Language Translation Service .....	2,000	2,000	0
Pakbobs .....	5,000	5,000	0
Joint Tactical Terminals .....	41,100	41,100	0
Joint Communications Support Element .....	7,500	7,500	0
Classified .....	10,300	10,300	0
APS-5 Replenishment .....	0	190,600	+190,600
Theater Stabilized Communications .....	0	83,000	+83,000
Portable Radio Jammers .....	0	46,000	+46,000
Aircraft Procurement, Navy .....	128,600	158,600	+30,000
E-2C Outer Wing Panels .....	1,500	1,500	0
Aircraft Spares .....	59,100	59,100	0
EA-6B Outer Wing Panels .....	55,000	70,000	+15,000
EA-6B Wing Center Section .....	0	15,000	+15,000
F-18 Equipment .....	13,000	13,000	0
Other Procurement, Navy .....	76,357	76,357	0
C2 Equipment .....	5,800	5,800	0
OPN Spares .....	27,200	27,200	0
Explosive Ordnance Disposal Equipment .....	24,957	24,957	0
Medical Support Equipment—Fleet Hospitals .....	13,200	13,200	0
Global Broadcast Service (Shipboard) .....	4,500	4,500	0
Classified Program .....	700	700	0
Procurement, Marine Corps .....	123,397	123,397	0
M88A2 Recovery Vehicle .....	8,300	8,300	0
MK48 Light Armored Vehicle (LVS) Mod .....	13,100	13,100	0
Light Armored Vehicle .....	23,200	23,200	0
AAV Reliability, Availability, Maintainability Upgrade .....	78,797	78,797	0
Aircraft Procurement, Air Force .....	40,972	53,972	+13,000
War Consumables Recap .....	35,702	35,702	0
Technical Collection (RC-135 and U2) .....	0	13,000	+13,000
Aircraft Common Support Equipment .....	5,270	5,270	0
Missile Procurement, Air Force .....	20,450	20,450	0
Predator (Hellfire Missiles) .....	4,850	4,850	0
Classified Programs .....	15,600	15,600	0
Other Procurement, Air Force .....	3,441,006	3,418,006	— 23,000
Theater Deployable Communications .....	38,500	38,500	0
Other Logistics Equipment .....	68,700	68,700	0
Medical/Dental Equipment Losses .....	13,665	13,665	0
CPA Counter Intelligence Support .....	3,810	3,810	0
Replace Theater Communications .....	85,000	85,000	0
Aircraft Refueling Vehicles .....	25,000	25,000	0
Support Equipment .....	20,306	20,306	0
All-purpose Remote Transport System .....	1,500	1,500	0
Technical Collection (RC-135 and U2) .....	23,000	0	— 23,000
Red Horse Reconstitution .....	25,900	25,900	0
Diego Garcia Vehicles .....	14,625	14,625	0
Classified Programs .....	3,121,000	3,121,000	0
Procurement, Defense-Wide .....	435,635	418,635	— 17,000
MC-130P Quick Engine Change Kits (SOCOM) .....	13,800	13,800	0

[In thousands of dollars]

	Request	Recommendation	Change from request
MH-53 Gearbox (SOCOM) .....	7,700	7,700	0
Critical C4I Equipment (SOCOM) .....	36,600	36,600	0
SOF Soldier Systems (SOCOM) .....	23,800	23,800	0
SOF Ammunition (SOCOM) .....	23,900	23,900	0
SOF Intelligence Systems (SOCOM) .....	13,100	13,100	0
Psychological operations (PSYOP) Equipment (SOCOM) .....	14,800	14,800	0
Target Tracking and Locating Devices (SOCOM) .....	2,700	2,700	0
Inflatable Antennas .....	6,500	6,500	0
CENTRIX .....	17,700	17,700	0
Information Assurance .....	16,200	16,200	0
Worldwide Base Stations .....	6,000	6,000	0
NSC Data Replication (DISA) .....	3,900	3,900	0
Iraq Communications Backbone (DISA) .....	6,100	6,100	0
CENTCOM Global C2 System (GCCS) Joint Hardware (DISA) .....	1,500	1,500	0
Improved Imagery Capability (NIMA) .....	21,600	21,600	0
Decontamination Equipment .....	8,000	8,000	0
Collective Protection .....	17,535	17,535	0
Classified Programs .....	194,200	177,200	- 17,000
Total, Procurement .....	5,249,304	5,621,304	+372,000

## PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

### ARMY PREPOSITIONED STOCKS

The Committee recommends an increase of \$248,600,000 above the supplemental request for the purpose of replenishing Army prepositioned stocks, specifically material and equipment from APS-5 which was lost or washed-out during the conduct of Operation Iraqi Freedom. Of this amount, \$58,000,000 is provided in Procurement of Weapons and Tracked Combat Vehicles, Army, and \$190,600,000 is provided in Other Procurement, Army.

### OTHER PROCUREMENT, ARMY

#### THEATER STABILIZED COMMUNICATIONS EQUIPMENT

The Committee is aware that the Army has an unfunded requirement to replace organic tactical communications equipment with equivalent, commercially available equipment to provide for theater communications requirements. Accordingly, the Committee recommends an increase of \$155,000,000 above the supplemental request for Theater Stabilized Communications. Of this amount, \$72,000,000 is provided in Operation and Maintenance, Army, and \$83,000,000 is provided in Other Procurement, Army.

### AIRCRAFT PROCUREMENT, NAVY

#### EA-6B REPAIR REQUIREMENTS

The Committee recommends an increase of \$30,000,000 for EA-6B repair requirements. The Committee understands the EA-6B aircraft has significantly increased its operational tempo in support of Operation Iraqi Freedom. As a result, the aircraft is experiencing increased fatigue cracking in the outer wing panels and the wing center section. Additional funds to replace the wing panels



and accelerate replacement of the wing center section are required to preclude aircraft grounding and flight restrictions.

## AIRCRAFT PROCUREMENT, AIR FORCE

### TECHNICAL COLLECTION

The Committee recommends \$13,000,000 for technical collection capabilities. The request erroneously included these funds in the Other Procurement, Air Force appropriation. Of this amount, \$8,000,000 is provided for improvements to the U-2 and \$5,000,000 is provided for tracking capabilities for the RC-135.

The Committee directs that none of the funds provided for the U-2 program may be obligated or expended until the Air Force submits the January 15, 2004 report on the U-2 as requested by Congress in the report (House Report 108-283) which accompanies the Department of Defense Appropriations Act, 2004.

## OTHER PROCUREMENT, AIR FORCE

### TECHNICAL COLLECTION

The Committee recommendation for “Technical Collection” is found in the Aircraft Procurement, Air Force appropriation.

## RESEARCH, DEVELOPMENT, TEST AND EVALUATION

The Committee recommends a total of \$268,887,000 for various Research, Development, Test and Evaluation appropriations. The following table provides a summary of the recommendation:

[In thousands of dollars]

	Request	Recommendation	Change from request
Research, Development, Test and Evaluation, Navy .....	34,000	34,000	0
Classified Programs .....	34,000	34,000	0
Research, Development, Test and Evaluation, Air Force .....	39,070	39,070	0
Classified Programs .....	39,070	39,070	0
Research, Development, Test and Evaluation, Defense-Wide .....	265,817	195,817	– 70,000
Classified Programs .....	265,817	195,817	– 70,000
Total, Research, Development, Test and Evaluation .....	338,887	268,887	– 70,000

## REVOLVING AND MANAGEMENT FUNDS

### DEFENSE WORKING CAPITAL FUNDS

The Committee recommends \$600,000,000 for the Defense Working Capital Funds to cover unforeseen fuel price increases, the amount requested by the President.

### NATIONAL DEFENSE SEALIFT FUND

The Committee recommends \$24,000,000 for the National Defense Sealift Fund, the amount requested by the President.

## OTHER DEPARTMENT OF DEFENSE PROGRAMS

## DEFENSE HEALTH PROGRAM

The Committee recommends \$658,380,000 for Defense Health Program operation and maintenance costs, the amount requested by the President.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,  
DEFENSE

The Committee recommends \$73,000,000 for Drug Interdiction and Counter-Drug Activities, Defense, the amount requested by the President. The Committee strongly supports Department of Defense participation in attacking the Afghan drug problem, which generates funds for terrorists and extremists not only in Afghanistan but also throughout the region. The Committee is concerned, however, that plans to properly utilize these funds are still being developed and that justification material presented to the Congress lacks specificity. The Committee therefore directs that none of the funds provided in this account be obligated or expended until the Secretary of Defense provides the congressional defense committees with a report which at a minimum outlines the goals and objectives of this program; the extent to which the Department will partner with other DoD entities, other Federal Agencies, and foreign military and law enforcement agencies; an accounting of the appropriations to which these funds will be transferred; and a detailed analysis of the purposes for which these funds are to be used.

## RELATED AGENCIES

## INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

The Committee recommends \$21,500,000 for the Intelligence Community Management Account, the amount requested by the President.

## GENERAL PROVISIONS—THIS CHAPTER

Section 1101 of the Committee bill amends a new general provision, proposed in the supplemental request, which provides the Secretary of Defense with \$3,000,000,000 of transfer authority for funds provided in this chapter for the Department of Defense.

Section 1102 of the Committee bill includes a new general provision, proposed in the supplemental request, which provides that funds appropriated in this Act for intelligence activities are deemed to be specifically authorized by the Congress.

Section 1103 of the Committee bill includes a new general provision, proposed in the supplemental request, which continues existing authorities, which authorizes the payment of per diem for travel of family members of military personnel who are ill or injured as a result of service on active duty, and also authorizes the Department to provide civilian clothing for service members to wear during their hospital stay.

Section 1104 of the Committee bill amends a new general provision, proposed in the supplemental request, which continues the increased monthly rates of Imminent Danger Pay and Family Separation Allowances through September 30, 2004.

Section 1105 of the Committee bill amends a new general provision, proposed in the supplemental request, which allows available appropriations in the “Defense Emergency Response Fund” to be charged to any current appropriations account of the Department of Defense for the same purpose.

Section 1106 of the Committee bill amends a new general provision, proposed in the supplemental request, which allows the Department to use operation and maintenance funds made available in this Act to provide supplies, services, transportation, and other logistical support to coalition forces supporting operations in Iraq.

Section 1107 of the Committee bill amends a new general provision, proposed in the supplemental request, which allows the Department to use not to exceed \$100,000,000 of the funds made available in this Act under “Operation and Maintenance, Defense-Wide” for assistance to the new militaries of Iraq and Afghanistan, and provides that the Secretary of Defense shall notify the congressional defense committees not less than 15 days before providing such assistance.

Section 1108 of the Committee bill includes a new general provision which limits the use of procurement and research, development, test and evaluation funds.

Section 1109 of the Committee bill includes a new general provision which appropriates \$413,300,000 to various appropriations accounts for repairs resulting from natural disasters, as discussed earlier in this report.

Section 1110 of the Committee bill includes a new general provision which allows the Department of Defense to use not to exceed \$180,000,000 of the funds made available in this Act for operation and maintenance for the Commander’s Emergency Response Program in Iraq, and to establish a similar program for use in Afghanistan.

Section 1111 of the Committee bill includes a new general provision which directs the Secretary of Defense to submit, within thirty days of enactment of this Act, a report describing an Analysis of Alternatives for replacing the capabilities of the existing Air Force KC-135 fleet.

## CHAPTER 2

### DEPARTMENT OF HOMELAND SECURITY

#### UNITED STATES COAST GUARD

##### OPERATING EXPENSES

The Committee recommends an additional \$23,183,000 for “Operating Expenses” to repair damages the Coast Guard incurred during Hurricane Isabel. The entire amount is designated as a contingent emergency appropriation.

CHAPTER 3  
DEPARTMENT OF DEFENSE  
MILITARY CONSTRUCTION  
MILITARY CONSTRUCTION, ARMY

The Committee recommends \$185,100,000 for Military Construction, Army, instead of \$119,900,000 as requested by the President. The recommendation includes \$119,900,000, as requested, to finance various military construction projects in support of U.S. troops in Iraq. These projects are as follows:"

Location/facility	Project description	Cost
Iraq: Baghdad International Airport .....	Helicopter Pads and Aviation Taxiway .....	\$3,300,000
Iraq: Baghdad International Airport .....	Entry Control Points .....	4,500,000
Iraq: West Baghdad International Airport .....	Power Plant and Electrical Distribution .....	18,000,000
Iraq: Balad Airfield .....	Theater-wide Postal Distribution Facility .....	7,000,000
Iraq: Balad Airfield .....	Power Plant and Electrical Distribution .....	16,000,000
Iraq: Balad .....	Base Camp Water Treatment Plant .....	9,800,000
Iraq: Balad .....	Base Camp Wastewater Treatment Plant .....	6,000,000
Iraq: Baghdad—Victory Base .....	Power Plant .....	7,600,000
Iraq: Baghdad—Radwaniya Palace Complex .....	Sensitive Compartmented Information Facility .....	6,000,000
Iraq: Baghdad—Radwaniya Palace Complex .....	Joint Operations Center .....	3,500,000
Iraq: Baghdad—Radwaniya Palace Complex .....	Training Facility .....	2,200,000
Iraq: Taji Military Complex .....	Power Plant and Electrical Distribution .....	16,500,000
Iraq: Tikrit-Camp Speicher .....	Power Plant and Electrical Distribution .....	15,500,000
Worldwide Various .....	Planning and Design .....	4,000,000
Total .....		119,900,000

The recommendation also includes \$65,200,000, not requested by the President, to repair facilities damaged by Hurricane Isabel at Fort Monroe, Virginia. Projects included in the recommendation are as follows:

Location/facility	Project description	Cost
Virginia: Fort Monroe .....	Seawall and Pier Repair/Improvements .....	\$26,400,000
Virginia: Fort Monroe .....	Road/Revetment Repair/Improvements .....	3,900,000
Virginia: Fort Monroe .....	Utilities Repair .....	8,500,000
Virginia: Fort Monroe .....	Unspecified Minor Construction .....	23,000,000
Worldwide Various .....	Planning and Design .....	3,400,000
Total .....		65,200,000

MILITARY CONSTRUCTION, NAVY

The Committee recommends \$45,530,000 for Military Construction, Navy. These funds, not requested by the President, are for facilities damaged beyond repair as a result of Hurricane Isabel. The recommendation includes \$40,920,000 to replace the central chilled water plant at the United States Naval Academy, Maryland, and \$4,610,000 to replace Building 3104, Lucas Hall, at Quantico, Virginia.

MILITARY CONSTRUCTION, AIR FORCE

The Committee recommends \$292,550,000 for Military Construction, Air Force, as requested by the President. This funding pro-

vides resources for various construction projects in support of Operation Iraqi Freedom and Operation Enduring Freedom, as follows:

Location/facility	Project description	Cost
Delaware: Dover Air Force Base .....	Airfreight Terminal .....	\$56,000,000
Afghanistan: Bagram Air Base .....	Aircraft Runway Repair .....	48,000,000
Diego Garcia: Diego Garcia .....	Communications Remote Switch Facility .....	3,450,000
Iraq: Balad Air Base .....	Aircraft Parking Ramp .....	18,000,000
Italy: Camp Darby .....	Munitions Maintenance Storage and Wash Pad .....	5,000,000
Qatar: Al Udeid Air Base .....	Expand Tactical/Strategic Airlift Ramps .....	20,000,000
Qatar: Al Udeid Air Base .....	Refueler Ramp and Hydrant System .....	40,000,000
United Arab Emirates: Al Dhafra Air Base .....	Aircraft Parking Apron and Hydrant Fuel System .....	47,000,000
United Arab Emirates: Al Dhafra Air Base .....	Temporary Cantonment Area .....	15,300,000
Worldwide Classified .....	Classified Project .....	17,500,000
Worldwide Various .....	Planning and Design .....	22,300,000
Total .....	.....	292,550,000

#### FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY

The Committee recommends \$8,151,000 for Family Housing Operation and Maintenance, Army. Though not requested by the President, the Committee provides these funds to repair family housing units damages by Hurricane Isabel at Fort Monroe and Fort Lee, Virginia.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS

The Committee recommends \$6,280,000 for Family Housing Operation and Maintenance, Navy and Marine Corps. Though not requested by the President, the Committee provides these funds to repair family housing units damaged by Hurricane Isabel at various locations in Virginia and North Carolina.

#### FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE

The Committee recommends \$6,981,000 for Family Housing Operation and Maintenance, Air Force. Though not requested by the President, the Committee provides these funds to repair family housing units damaged by Hurricane Isabel at Langley Air Force Base, Virginia.

#### GENERAL PROVISION—THIS CHAPTER

Section 1301 authorizes the Secretary of Defense to use operation and maintenance funds for unforeseen military construction requirements in support of Operation Iraqi Freedom or the Global War on Terrorism. This language was provided to streamline the process for approving operation and maintenance funds for emerging construction requirements.

TITLE II—IRAQ AND AFGHANISTAN RECONSTRUCTION AND  
INTERNATIONAL ASSISTANCE

CHAPTER 1

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

GENERAL LEGAL ACTIVITIES

The Committee recommends \$15,000,000 for “Salaries and Expenses, General Legal Activities,” for additional Civil Division expenses related to the administration of the September 11th Victims Compensation Program.

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(INCLUDING RESCISSION)

The Committee recommends \$156,300,000 for costs related to increased diplomatic and border security, and to opening a mission in Iraq. The recommendation includes \$109,500,000 for requirements related to the provision of consular services; \$11,000,000 for increased security measures in Afghanistan; and \$35,800,000 for costs associated with the reestablishment of a diplomatic mission in Iraq. The recommendation rescinds \$35,800,000 provided under Public Law 108–11.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The Committee recommends \$43,900,000 for the costs of establishing a temporary embassy annex compound in Kabul, Afghanistan, to support embassy surge staffing requirements associated with the acceleration of assistance activities.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

(INCLUDING TRANSFER OF FUNDS)

The Committee recommends \$50,000,000 under this heading for anticipated costs of terrorism rewards. The Committee recommendation includes language allowing funds under this account to be transferred to, and merged with, the Diplomatic and Consular Programs account to maintain funding levels for the fiscal year 2004 Border Security program.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The Committee recommends \$245,000,000 for assessed costs of United Nations peacekeeping in Liberia.

## RELATED AGENCY

## BROADCASTING BOARD OF GOVERNORS

## INTERNATIONAL BROADCASTING OPERATIONS

The Committee recommends \$40,000,000 to expand broadcasting efforts to Iraq, including the initiation of Middle East Television Network broadcasting to Iraq.

## GENERAL PROVISION—THIS CHAPTER

The Committee recommendation includes language waiving provisions of existing legislation that require authorizations to be in place prior to the expenditure of any appropriated funds.

## CHAPTER 2

## BILATERAL ECONOMIC ASSISTANCE

## FUNDS APPROPRIATED TO THE PRESIDENT

## UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT

The Committee recommends \$40,000,000 for “Operating Expenses of the United States Agency for International Development”, as requested by the President. The Committee has included language reserving these funds for support of relief and reconstruction in Afghanistan, including up to \$13,000,000 for interim facilities required by the United States Agency for International Development in an expanded Embassy compound or elsewhere in Kabul. It is the Committee’s intention that Embassy facilities and vehicles funded by USAID be used primarily by USAID personnel, and to be available for other agencies only with the prior written concurrence of the USAID mission director in Kabul and, when feasible, on a reimbursable basis.

Should U.S. military air transport remain scarce or unavailable to support reconstruction in Afghanistan, and to the extent required by security conditions in the field, a portion of this appropriation may be used for dedicated contract air service within Afghanistan and access neighboring countries. The Committee expects the Department of State Coordinator for Afghan Assistance and USAID to consult with it prior to obligating funds for this purpose.

The Committee provides for operating expenses of USAID in Iraq elsewhere in this Chapter.

## OTHER BILATERAL ECONOMIC ASSISTANCE

## IRAQ RELIEF AND RECONSTRUCTION FUND

## (INCLUDING TRANSFERS OF FUNDS)

The Committee recommends \$18,649,000,000, to remain available until September 30, 2005, for the “Iraq Relief and Reconstruction Fund” (the Fund). This figure represents a reduction of

\$1,655,000,000 below the request and an increase of \$16,174,000,000 above the level provided in the fiscal year 2003 Emergency Wartime Supplemental Appropriations Act when this account was created. The supplemental request proposed an appropriation of \$20,304,000,000 to remain available until expended.

The Committee recommended bill language provides allocations, as requested, for functional areas, such as health care, although some allocation categories have been modified for clarity. For example, the separate categories of public works and water resources have been combined into one category named “water resources and sanitation.” The Committee has not included requested language that allows unlimited funding reallocations or language that allows transfers to be made to any federal government activity. Instead, the Committee has included language allowing any allocation category to be reduced by up to 10 percent or increased by up to 20 percent. Such transfers, if necessary, would be made subject to the standard notification procedures of the Committees on Appropriations. The Committee has included language, not proposed in the request, that provides for an annual spending plan for reconstruction programs for these allocations, including project-by-project detail. The plan must specify which United States agency (and relevant partners if applicable) is responsible for implementation of the projects. This plan is required to be submitted to the Committees on Appropriations not later than January 1, 2004, and is to be updated every 180 days thereafter.

The Committee has reinstated bill language, currently in the fiscal year 2003 Iraq Relief and Reconstruction Fund but not included in the request, that specifies agencies that may receive apportionment from the Fund. Consistent with previous language, the Committee has again listed the Department of Defense, the Department of Health and Human Services, the Department of State, the Department of Treasury and the United States Agency for International Development. The Committee recommends adding the Coalition Provisional Authority (CPA) in Iraq to this list. The Committee has included bill language providing that up to 1 percent of the total appropriated for the Fund may be transferred to “Operating Expenses of the Coalition Provisional Authority” as well as bill language providing not less than \$35,000,000 for the administrative expenses of the Department of State Bureau of International Narcotics and Law Enforcement Affairs and the United States Agency for International Development. The Committee has included new language that the Coalition Provisional Authority shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom.

The reconstruction of Iraq is among the most important issues affecting United States foreign policy and security. The creation of a free, democratic, and economically prosperous Iraq is important to U.S. security, to winning the war on terrorism, and it is essential to stability and peace in the Middle East.

Having won its military objectives in Iraq, the United States is faced with what may be an even more daunting challenge. Reconstructing an Iraq that has suffered from decades of tyranny, cruelty, mismanagement, and under-investment is a massive undertaking. The deplorable condition of Iraq’s basic infrastructure and



the scope of reconstruction requirements have only fully come to light since the triumph of United States and United Kingdom Armed Forces. Holding free elections and empowering locally elected officials, providing dependable power, potable water, and access to health care, and creating a vibrant private sector—all present significant change and transformation of Iraqi society.

The Committee strongly supports the efforts of the Administration and the CPA to reconstruct Iraq. The programs supported by the funding recommended in the Iraq Relief and Reconstruction Fund will make a substantial difference in the lives of the Iraqi people. Basic services, such as electricity, clean water, sewage treatment and disposal are urgently needed to give Iraqis hope for a better future. The creation of professional civilian police forces, border security forces, and a new Iraqi National Army is critically important to reducing violence, maintaining security and reducing reliance on American military personnel. As CENTCOM Commander General John Abizaid testified before the Committee on September 24, 2003, regarding the current request for reconstruction:

There is no strictly military solution to the problems we face \* \* \* It requires that we move together on the political front, the economic front, on the reconstruction front in a manner that is synchronized and coordinated. If we don't do that, I do not believe we can be successful. So you can pay the military to stay there, but you are only paying us to stay forever.

The Committee recommendation of \$18,649,000,000 represents a bold and balanced response to an urgent situation. The Committee assigns highest priority to security, and basic infrastructure such as electric power, water resources and sanitation, energy production and distribution, and health care. The Committee has not recommended funding programs that are not executable, are lower priority, or will likely be supported by other international donors and organizations such as the World Bank. The Committee is also concerned that sufficient attention should be given to the follow-on, recurring costs that will be incurred in future years as a result of programs funded under this Act.

The Committee recommends \$3,243,000,000 for security and law enforcement, \$50,000,000 less than the amount requested. Included in the recommendation is \$950,000,000 for recruiting, training and equipping police forces in Iraq and providing a police training center with international trainers to improve professionalism and policing skills. The Committee recommendation provides the foundation for a modern civilian police force that respects the rule of law and human rights. \$217,000,000 is provided to support border enforcement and facilities protection services. Similarly, the recommendation includes \$2,076,000,000 for training, equipping, deploying and sustaining the new Iraqi Army and Civil Defense Corps. The Iraqi Army is being rebuilt to a force structure of 40,000 personnel in 9 brigades (27 battalions) by August 2004. The Committee has not included \$50,000,000 requested for buildings, equipment, and vehicles in support of Iraq's traffic police.

The Committee recommends \$1,318,000,000 for Justice, Public Safety and Civil Society Infrastructure, \$525,000,000 less than requested for programs making up this category.

The Committee recommendation supports the creation of a professional justice system and judiciary, and it supports redress of the crimes perpetrated against the Iraqi people by Saddam Hussein and his regime. The recommendation provides \$100,000,000 for investigations into crimes against humanity, such as the mass killings of innocent Iraqi civilians. The Committee also has provided \$100,000,000 to support Iraqis who help Coalition forces fight terrorism and criminals through creation of a witness protection program. The Committee recommends \$599,000,000 for public safety facilities, fire services, mine action, civil defense services, public safety facilities, and public safety training—a level that is \$175,000,000 less than requested for this array of programs. The Committee supports these programs but does not believe the request can be fully executed by 2005. The Committee provides \$100,000,000 for the National Security Communications Network, one of many networks requested by the CPA, which is \$50,000,000 less than requested.

The Committee recommends \$209,000,000 for prison and detention facilities, a reduction of \$300,000,000 from the amount requested. The Committee recommendation provides \$99,000,000 for reconstruction and modernization of 26 adult and juvenile detention and prison facilities, which should increase capacity to 19,700 beds. The Committee also has included \$100,000,000 for a new prison, approximately the amount needed to build a medium security prison in the United States. The Committee notes that about half the cost of prison construction is attributable to labor, and the cost of manpower in Iraq is significantly below the prevailing rates in the United States. Accordingly, the Committee does not approve the \$400,000,000 requested to build two prisons at \$50,000 per bed as proposed by the CPA.

The Committee recommends \$5,560,000,000 to repair, rehabilitate and procure electric generation and distribution infrastructure in Iraq. The recommendation is \$115,000,000 less than the amount requested. The Committee notes that United States Agency for International Development, working in support of the CPA, already has made significant, intensive efforts to repair electric power production and transmission capability. Nevertheless, Iraq's electric generating capacity is around 3,600 megawatts, still below pre-conflict levels. The Committee recommendation should enable Iraq to increase electric power production to 7,000 megawatts by 2005. Among other investments in this sector, the Committee recommendation provides for: (1) rehabilitation of existing power stations and provision of spare parts; (2) installation of new gas turbine power stations, and (3) construction of new thermal power stations. The Committee has not recommended \$25,000,000 which the request describes as necessary for "institution strengthening" for providing consultants, developing a master plan for continued development, and rehabilitating buildings. This request duplicates a number of other similar requests included in the overall submission.

The Committee recommends \$2,100,000,000, the same as requested, for rebuilding Iraq's oil infrastructure and procurement of

emergency stocks. CPA's strategy for Iraq's economic viability and Iraq's ability to finance its own government and governmental programs, including the various security forces mentioned earlier in this section, are dependent on the petroleum industry's recovery and growth. The recommendation provides for continued investment in Iraq's oil infrastructure and oil production and refinement capacity. It builds upon progress that has been made since April 2003. Included is \$900,000,000, as requested, for procurement and distribution of refined products such as kerosene, used for heating, and Liquefied Petroleum Gas used by many Iraqis for cooking. These funds will enable the CPA to provide these products and help sustain the population through the upcoming winter until in-country refining capacity and stocks recover.

The Committee recommends \$4,332,000,000 for water resources and sanitation, \$253,000,000 below the request. Included in the recommendation is \$2,830,000,000, the amount requested, to increase access to potable water across urban and rural areas in Iraq. \$30,000,000 is recommended to reduce water losses by repairing water distribution networks, which should reduce water loss from 60 percent to 40 percent. \$697,000,000, as requested, is included for increasing access to sewage services for Iraq's population. Current waste water treatment across Iraq is estimated to cover only 6 percent of the population. The treatment of polluted wastewater also is a health issue; these improvements are needed to combat disease and stem Iraq's high child mortality rate. The recommended level should enable almost one million Iraqis to gain access to wastewater treatment services.

Also included in the recommendation is \$775,000,000 for water resource projects, such as irrigation projects, pumping stations, dam repair and rehabilitation, and flushing of polluted channels in Basra.

The Committee does not recommend \$153,000,000 requested for improving solid waste management programs, including the procurement of 40 trash trucks at \$50,000 each. Solid waste disposal and management are important issues. However, the Committee notes that there is no shortage of vehicles in Iraq for hauling garbage, and the creation of new landfills and recycling programs/plants is not a problem that must proceed in this first year of reconstruction.

The Committee recommendation does not provide \$100,000,000 for environmental restoration projects. The Committee believes these marsh restoration projects have great merit both environmentally and politically, but the \$100,000,000 request is likely a small part of the total cost of restoring and significantly restructuring the water flows in these areas. Further, these projects are among those most likely to be funded by other international donors.

The Committee recommendation provides \$500,000,000 for transportation and communications projects, \$335,000,000 below the supplemental request. The Committee recommendation provides \$45,000,000 to complete the modernization of the Port of Um Qasir, and assigns priority to investments needed for aviation safety at Basra International, Baghdad International, and other airports in Iraq. The Committee supports reopening of Basra International Airport on a priority basis.

The Committee questions a number of projects proposed in this category of the request, such as the need to build parking lots and “cosmetic improvements” at airports. The Committee has not provided \$4,000,000 requested for a nationwide telephone numbering scheme, \$9,000,000 for postal information architecture and zip codes and \$10,000,000 to modernize the business practices of the Iraqi television and radio industry. The Committee questions whether the U.S. government—versus the private sector—must fund the numerous telecommunications projects and information technology improvements requested.

The Committee recommends \$370,000,000 for roads, bridges and construction, \$100,000,000 below the level requested. The recommendation includes \$130,000,000 for public buildings supporting Iraqi Ministries, minor construction and refurbishment projects. \$240,000,000 is recommended for repair and modernization of roads and bridges, including railroad bridges. The Committee recommendation does not include the \$100,000,000 requested by the CPA to build seven housing communities, totaling 3,528 housing units, a place of worship and other community facilities.

The Committee recommends \$793,000,000 for health care programs, \$57,000,000 below the supplemental request. The Committee recommendation provides \$493,000,000, \$100,000,000 more than requested, to refurbish and modernize medical clinics, primary health care services, and hospitals throughout Iraq. The Committee recommendation will allow the rehabilitation of all 240 hospitals, 5 regional and maternal and pediatric referral centers, and 1,000 of the nation’s 1,200 primary health care clinics. The Committee recommendation provides \$300,000,000 as requested to repair and procure medical equipment for Iraq’s hospitals and health care clinics.

The Committee recommendation does not provide \$150,000,000 to initiate a new \$500,000,000 to \$700,000,000 children’s hospital in Basra. The Committee recommendation does not provide an additional \$7,000,000 to facilitate partnerships between American and Iraqi health care organizations and centers. The Committee strongly supports such partnerships and believes that they can be undertaken when security permits without this additional federal funding.

The Committee recommends \$153,000,000 for the private sector development function, \$200,000,000 less than requested. The Committee recommendation supports on-the-job training programs, and computer literacy training, vocational training and English language training. In connection with this request, the Committee recommends that the CPA examine the successful computer literacy program that the Kingdom of Jordan has developed, including the successful “NetCorps” program, which brings the Internet and computer training to rural Jordanian communities.

The Committee has not provided \$200,000,000 to create an American-Iraqi Enterprise Fund. The Committee believes that it would be premature to establish a fund at this time and notes that the conditions that promoted the unique success of the Polish-American Enterprise Fund do not exist in Iraq. The Committee recommends, to avoid duplication, any future enterprise fund in Iraq should be coordinated, if not overseen, by the Department of State’s

Middle East Partnership Initiative (which is considering an enterprise fund for the Middle East and North Africa).

The Committee recommends \$280,000,000 for education, refugees, human rights, democracy, and governance programs. The recommended funding level is \$20,000,000 below the request. The Committee recommendation provides \$95,000,000 for migration and refugee assistance, \$30,000,000 for resolving property ownership disputes, and \$30,000,000 for helping Iraq create a modern banking system. The recommendation provides \$15,000,000 for: (1) research and documentation on atrocities conducted by Saddam Hussein; (2) funding to strengthen local capacity on exhumations and family assistance, and (3) support of the Human Rights Ministry. Finally, \$10,000,000 is recommended to support women's programs, \$10,000,000 for civic education and youth programs, and \$90,000,000 for education. The recommendation does not provide \$90,000,000 requested to provide Public Information Centers in Iraq's 266 municipalities, and \$20,000,000 in catch-up business training, a four-week course at \$10,000 per pupil. The Committee believes that effective business training can be provided at much lower cost, such as a number of successful USAID programs operated in Southeastern Europe.

The Committee believes that restoration of the agricultural sector is absolutely essential for economic recovery in Iraq. Increased domestic Iraqi food production, processing, and marketing would greatly improve employment and self-sufficiency, and would decrease reliance on international food aid and commercial importation of commodities. Therefore, the Committee supports increased efforts through the Coalition Provisional Authority in support of training and outreach efforts to benefit the Iraqi domestic agricultural sector.

With respect to the bill language in the Fund regarding religious freedom, the Committee expects that the President will report to the appropriate Committees of the Congress, on efforts by the CPA and relevant Iraqi officials to ensure that the Iraqi constitution preserves religious freedom.

#### OPERATING EXPENSES OF THE COALITION PROVISIONAL AUTHORITY

The Committee recommends \$858,000,000 for "Operating Expenses of the Coalition Provisional Authority" under this new heading, instead of providing the same amount for administrative costs of the Coalition Provisional Authority (CPA) in Iraq, within the total amount under the heading "Operation and Maintenance, Army" as requested in the Supplemental request.

The Committee takes note of the outstanding job that Ambassador L. Paul Bremer and his staff have performed on behalf of both the American and Iraqi people. Ambassador Bremer, the CPA employees and the men and women from various federal agencies supporting the CPA and Iraq's reconstruction have labored under the most difficult of circumstances.

The CPA currently oversees the reconstruction of Iraq, especially the non-military programs described in the Iraq Relief and Reconstruction Fund section of this report, from building waste water treatment systems to renovating health care centers to training law enforcement officials to providing computer training for Iraqi youth. The CPA is empowered with managing the largest entire

amount of U.S. foreign assistance provided to the rest of the world. The CPA developed the \$20,304,000,000 Iraq assistance request currently before the Committee, and it may well administer much of the amount that is appropriated in this Act.

The Committee recommendation acknowledges CPA's leadership and role. The Committee applauds the CPA for recently establishing a presence in Washington DC, and expects to be kept updated on the progress of reconstruction efforts, roles and missions of supporting agencies, and implementation of programs funded by this Act.

However, the Committee notes that during the past six months, it has been difficult for the Congress and the Appropriations Committees to get current and specific information about reconstruction activities in Iraq, with the exception of information from the United States Agency for International Development. The Committee has continued to ask the CPA and Administration detailed questions about the \$20,304,000,000 request; many have gone unanswered.

The Committee notes that the transparency is crucial for ensuring efficient, accountable reconstruction activities in Iraq. To this effect, this recommendation provides for the first time a direct operating appropriation for the CPA, and, under the Iraq Relief and Reconstruction Fund, the organization is given the authority to receive direct apportionment of program/project funds.

The Committee recommendation does not alter the reporting relationship of Ambassador Bremer to the President through the Secretary of Defense. However, it does further transparency by clarifying the operational cost of the United States' reconstruction effort in Iraq as part of U.S. foreign assistance, and the scope of the non-military reconstruction efforts. It acknowledges that the American people have a right to know the cost of maintaining a 3,700-person activity. It also should improve the flow of information to Congress and, thus, Congressional oversight of foreign assistance.

Since the CPA is less than a year old and it is possible that the organization could require additional operational resources during this year, the Committee also has included bill language in the Iraq Relief and Reconstruction Fund that provides authority, if needed, to transfer up to 1 percent, or an additional \$186,490,000 from the Fund for CPA's operating expenses.

#### ECONOMIC SUPPORT FUND

The Committee recommends \$872,000,000 for the "Economic Support Fund." The recommendation is \$450,000,000 above the request, primarily for reconstruction in Afghanistan. The recommended increase is fully offset by proposed reductions in the request for Iraq reconstruction, and, thus, does not result in a net increase above the overall request. These funds would remain available for obligation until December 31, 2004.

The recommendation reserves \$672,000,000 for accelerated assistance for Afghanistan instead of \$422,000,000 as requested. The Committee notes the increasing terrorist activity against the Government of Afghanistan, international Coalition forces, and private non-governmental organizations providing relief and reconstruction assistance within Afghanistan, and concludes that the pace of reconstruction, as well as that of security assistance provided else-

where in this Chapter, must respond to the deteriorating security conditions, especially in the southern and eastern provinces of Afghanistan.

After considering reports from several field reviews in Afghanistan by Committee members and professional staff, the Committee fully supports most of the urgent programs included in the budget justification for Afghanistan civil reconstruction, including roads, education, health, power generation/private sector development, and provincial reconstruction teams. The State Department Coordinator of Assistance to Afghanistan and the Administrator of USAID are requested to provide the Committee not later than December 5, 2003, a fiscal year 2004 strategic and financial plan, including projected quarterly obligations by sector and major project (in excess of \$250,000), for all reconstruction and security activities in Afghanistan undertaken with funds provided by this Act and prior Appropriations acts.

The Committee recommends \$191,000,000 for major and provincial roads, an endeavor that is critical to both economic development and security in Afghanistan. The Committee commends those engaged in the challenging project to reconstruct and pave the major Kabul-Kandahar road by the end of 2003, recognizes the dire security threat from neo-Taliban forces along its route, and urges United States Armed Forces in Afghanistan to increase surveillance of the construction areas and support for the private and Afghan national police security forces protecting the Kandahar road. The additional funding will sustain the momentum of the Kabul-Kandahar project, by financing secondary and tertiary road development, primarily in the previously neglected southern and central regions, through the Afghan-led National Emergency Employment Program and UNOPS, and, with other international donors, by expanding primary road construction from Kandahar toward Herat.

The Committee recommendation provides an additional \$95,000,000 for schools and education in Afghanistan, \$55,000,000 above the request. The Committee has promoted Afghan education, especially for girls, for many years, even during the period of Soviet and Taliban control. The Ministry of Education is doing a better job of coordinating the numerous foreign donor projects and developing a strategy that can maximize use of future funding. The additional funding will support more extensive teacher training and special efforts to accelerate learning and jump-start schooling opportunities for the 10- to 30-year-old Afghan whose education was interrupted or prevented by 23 years of war.

The Committee recommends \$95,000,000 for private sector development and power generation, \$50,000,000 above the request. The Committee recommendation supports market centers-industrial parks, land titling, natural resources assessment and power generation projects. The Committee recommendation does not include \$10,000,000 for a venture capital fund. The Committee recommendation provides \$65,000,000 to repair, rehabilitate and procure electric generation and distribution infrastructure in Afghanistan. In addition to the power requirements of Kabul already requested, the Committee has provided additional funds to rehabilitate and increase power generation from the Kajaki Dam facility that is essential to successful reconstruction in the politically sensitive Kandahar and Helmand provinces. Also, the Coordinator

should consider installing mini-hydro or more reliable thermal generators in regional towns adjacent to the provincial reconstruction team locations.

The Committee recommends an additional \$70,000,000 for support to the Government of Afghanistan (GoA), \$33,000,000 above the request. Demonstrating to the Afghan people that their central government is capable of providing security and minimal services to them is key to the establishment of a stable Afghanistan that is able to resist terrorist incursions. To accomplish this, the Government must collect sufficient revenues and pay salaries to its military and civilian officials. Of the recommended \$70,000,000, not less than \$25,000,000 will meet key GoA infrastructure needs, especially telecommunications between Kabul and the provinces. The Ministry of Finance will use not less than \$10,000,000 to improve customs collections at Afghanistan's 11 official border posts and re-mitting of customs to the ministry on a timely basis. An indeterminate amount will be needed to augment other donor contributions to an international trust fund to pay government salaries until economic growth increases government revenue sufficiently to meet salary costs. If official payrolls are missed, the anticipated 2004 elections will be threatened.

The Committee recommends \$69,000,000 for elections and improved governance in Afghanistan, \$12,000,000 above the request. As no recent census is available for Afghanistan, registration of voters prior to the summer, 2004, elections called for by the 2001 Bonn Accords will be difficult and costly. Public education of voters and the promotion of powerful, unarmed civil voices require outside financial support in 2004. In governance, the Committee recommends that activities be undertaken to promote private investment and trade capacity building.

In order to limit the number of costly United States expatriate advisors in Kabul, the Committee has included bill language limiting the amount available for additional technical expert positions and the number of senior advisors paid from funds made available by this Act or by prior Appropriations acts. This provision does not apply to the dozens of U.S. officials required to design and manage a massive Afghanistan assistance program, the actual number of which is presently insufficient due to Embassy allocation of scarce housing and office space to other purposes. The Committee urges the Department of State and USAID to continue to resolve this situation, and keep it fully informed of progress toward deploying an adequately staffed Mission in Kabul.

The Committee recommendation provides \$50,000,000, as requested, for projects directly involving requirements identified by provincial reconstruction teams (PRTs) in eight to twelve provinces. As requested earlier by the Committee, Congress was notified in September of the intent to obligate an initial \$10,000,000 for the PRTs. Although several of the PRTs are commanded by Coalition forces, such as the United Kingdom and New Zealand, each is expected to include USAID and State officials who will have a major voice in allocating U.S. assistance funds for small projects that will directly benefit local populations who are not helped by current reconstruction efforts. The PRT concept is based on expansion of security throughout Afghanistan, but each is also prepared to assist local oversight of assistance managed by the USAID Mission in



Kabul, complement DoD humanitarian assistance, and support expansion of central Government of Afghanistan services. The Committee notes that successful implementation of the innovative PRT concept is contingent on timely transportation and security support by Kabul-based civilian and military authorities.

The Committee recommends an additional \$49,000,000 for health services in Afghanistan, \$21,000,000 above the request. These funds will support the construction of more than 90 health clinics, enabling more than 3 million additional rural Afghans gain access to a basic health delivery system. If a permissive security situation is extended throughout all of Afghanistan during 2004, the additional health and road funds will accelerate achievement of the objective of bringing all Afghans within 4 hours' travel of a health clinic.

The Committee recommendation provides an initial \$30,000,000 for disarmament, demobilization and reintegration (DDR) projects, \$30,000,000 below the request. The Committee notes that Japan has already provided full funding for the initial pilot projects in Northern Afghanistan that will help determine the feasibility of DDR projects prior to the training and deployment of a multi-ethnic Afghan National Army that is firmly under civilian Afghan control. The Committee believes that Japan and other donors will make additional contributions to DDR projects if the pilot effort is a success and is replicable in other regions.

The Committee also recommends that \$23,000,000, not included in the request, be provided for water projects in Afghanistan. Because of the essential role of irrigation in agriculture, and the lack of potable water in many urban areas and small towns, the Committee requests USAID to report not later than January 15, 2004 on the feasibility of expanding rural and urban water projects in Afghanistan.

The Committee takes note of the outstanding jobs that Ambassador William B. Taylor and Major General Karl Eikenberry, their staffs and their colleagues in Afghanistan have performed on behalf of both the American and Afghan people. As coordinators of civilian and security assistance for Afghanistan, both officials and the men and women of USAID, the Departments of Defense and State and other federal agencies supporting the Embassy in Kabul and Afghanistan's reconstruction have labored under the most difficult of circumstances. The Committee acknowledges the important role of non-governmental organizations operating in Afghanistan.

As the cooperation of the Government of Pakistan is vital to United States and Coalition efforts to build a stable Afghanistan, the Committee has agreed to language proposed by the President to allow up to \$200,000,000 from "Economic Support Fund" to be made available for the subsidy cost of modifying direct loans and guarantees previously issued for Pakistan. The recommendation includes the \$200,000,000, subject to a determination by the President that the Government of Pakistan is fully cooperating with the United States in the global war on terrorism.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE  
(INCLUDING TRANSFERS OF FUNDS)

The Committee recommends \$100,000,000 for International Disaster and Famine Assistance, especially for Sudan and Liberia, instead of \$100,000,000 for a new "Emergency Fund for Complex Foreign Crises" as requested by the President. Thus, this recommendation does not result in a net increase above the request.

As other funds are available to respond to natural disasters abroad, the Committee recommendation limits the circumstances under which these funds may be obligated to those where the President determines that the proposed United States response to a complex foreign crisis is in the national interest and essential to efforts to reduce international terrorism. The Committee anticipates that these funds may be required for assistance to Sudan and Liberia.

The Committee has included a provision authorizing the transfer of up to one percent of certain other funds to this account. All proposed obligations made available under this heading are made subject to the regular notification procedures of the Committees on Appropriations.

DEPARTMENT OF STATE

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

The Committee recommends \$170,000,000 for "International Narcotics Control and Law Enforcement", \$50,000,000 more than requested for accelerated assistance for Afghanistan. The recommended increase is offset by proposed reductions in the request for Iraq reconstruction, and, thus, does not result in a net increase above the overall request. These funds would remain available for obligation until December 31, 2004.

The Committee is gravely concerned about the increasing terrorist activity against the Government of Afghanistan and private non-governmental organizations providing relief and reconstruction assistance within Afghanistan. The capacity of Afghan security forces to protect their own government and international reconstruction efforts must be expanded as rapidly as feasible, and the increased funding responds to that urgent requirement.

The Committee also notes reports of the pervasive dependence of regional economies in Afghanistan on opium cultivation and narcotics trafficking. The Committee notes the leadership role of Germany, the United Kingdom and Italy in the police training, counter-narcotics and judicial reform sectors, respectively, and encourages each of these Coalition members to accelerate its assistance efforts in Afghanistan.

In order to respond to this rapidly evolving situation, the Committee is providing \$160,000,000 to accelerate the training and equipment of the Afghan National Police and Border Police and to increase counter-narcotics law enforcement capacity. In addition, \$10,000,000 is provided for the training of prosecutors, court officers and the Afghan judiciary. The Committee intends that all assistance to Afghanistan be conducted on a basis of non-discrimination among its ethnic groups and include special emphasis on the rights of women and minorities.

## NONPROLIFERATION, ANTI-TERRORISM, DEMINING, AND RELATED PROGRAMS

The Committee recommends \$35,000,000 for “Nonproliferation, Anti-Terrorism, Demining and Related Programs”. This level is the same as the request, and would support anti-terrorism training programs and equipment needs in Afghanistan, to continue the work of disarming the staggering number of mines throughout the country, and to provide in-country support for the protection of Afghan President Karzai.

## MILITARY ASSISTANCE

### FUNDS APPROPRIATED TO THE PRESIDENT

#### FOREIGN MILITARY FINANCING PROGRAM

The Committee recommends \$297,000,000 for “Foreign Military Financing Program”, \$75,000,000 more than requested for accelerated security assistance on a non-repayable basis for Afghanistan. The recommended increase is offset by proposed reductions in the request for Iraq reconstruction, and, thus, does not result in a net increase above the overall request. These funds would remain available for obligation until September 30, 2004.

As mentioned earlier in this Report, the Committee is gravely concerned about the increasing terrorist activity against the Government of Afghanistan and the international Coalition. The rapid training and deployment of an ethnically balanced, professional national army for Afghanistan is essential to the success of Coalition efforts to promote a stable and peaceful Afghanistan.

The Committee encourages the President, the Secretary of State and the Secretary of Defense to continue to remind the Government of Afghanistan that United States military assistance is provided to build a new Afghanistan army that is professional, multi-ethnic, and loyal to the civilian leadership in the central government. Failure of the Government of Afghanistan to continue moving rapidly toward this common objective should not be rewarded with continuing military assistance by any agency of the United States Government to armed militias or army units that do not share these objectives.

To this end, the Committee requests the Secretary of Defense, in consultation with the Secretary of State, to provide it with periodic reports on the progress of the new Afghan army. The reports may include such matters as the Secretaries may determine, but include an evaluation of professional development, ethnic and regional balance, including data on retention rates by ethnic and regional origin, coordination with Coalition provincial reconstruction teams, and responsiveness to central civilian leadership of the Government of Afghanistan. The initial report should also fully identify the major prime and major sub-contractors participating in the foreign military financing and similar programs in Afghanistan in fiscal years 2003 and 2004, describe the contractual arrangements with each, including whether or not they were made on a fully competitive basis, and, if not, the reasons for a limited competition or sole source award; and the actual and proposed obligations for each. For the purposes of this report, a “major” contract is one in

excess of \$250,000. The initial report should also detail and evaluate training and support for the new Afghan army that has been or is anticipated to be provided by international Coalition members. Reports should be provided to the Committees on Appropriations and foreign affairs through the Office of Management and Budget not later than December 5, 2003, March 5, 2004, and July 9, 2004.

#### PEACEKEEPING OPERATIONS

The Committee recommends \$50,000,000 for “Peacekeeping Operations”. This level is the same as the request, and would support multilateral peacekeeping needs in Iraq and Afghanistan.

#### GENERAL PROVISIONS—THIS CHAPTER

The task before the United States in Iraq and Afghanistan is formidable, and amounts to laying the groundwork for entire governments. The Committee remains mindful that the President must have flexibility in order to address the often rapidly changing situations in these countries. However, the authorities requested by the President to move money among accounts are nearly without limit. The Committee has not approved several provisions, and modified several others, in order to increase transparency and accountability of the use of funds for the reconstruction and stabilization of Iraq and Afghanistan.

For instance, the Committee recommendation does not include a general provision requested by the President that would have allowed transfers among international assistance programs in the supplemental request in an amount not to exceed \$200,000,000. Existing provisions of law under the Foreign Assistance Act and annual acts making appropriations for foreign operations, export financing, and related programs already provide sufficient authority to transfer funds.

The Committee recognizes that debt incurred under the Hussein regime presents a potential challenge to the country’s development. However, this supplemental appropriation request is intended to meet emergency needs, and the Committee is of the opinion that paying foreign debtors out of United States funds is not among those needs. The Committee includes a new general provision, section 2201, that prohibits the use of funds appropriated in this Act, or in the 2003 Iraq Supplemental Appropriations Act (P.L. 108–11), to be used to pay for any debt entered into by the Iraqi government before the defeat and overthrow of Saddam Hussein. The provision pertains to all public and private lenders including international financial institutions. The Committee strongly opposes the use of appropriations to repay any credit extended to the repressive regime of Saddam Hussein. Nothing in this provision, however, should be construed as discouraging the Departments of State and Treasury from working with lenders in reducing and restructuring Iraq’s debt burden.

The Committee has been concerned for some time with the lack of transparency with which several contracts have been let for Iraq. In its fiscal year 2004 Foreign Operations, Export Financing and Related Programs bill, the House of Representatives included a

provision requiring full and open competition in Iraq reconstruction contracts.

It is in the best interests of most involved, including the U.S. business sector and the Iraqi people, to use open and full competition for all but a very limited number of contracts. For situations in which ensuring such competition might be inappropriate—such as in cases of emergency—the Committee believes that existing federal regulations allow for adequate flexibility.

Therefore, the Committee includes language in sections 2202 and 2203 to limit the use of non-competitive contracts in the “Iraq Relief and Reconstruction Fund” in this Act and from funds under the same heading in Public Law 108–11. This language preserves the prerogative of the President to waive the requirement for full and open competition in certain circumstances, as outlined in applicable federal procurement regulations. The provisions require that the executive branch provide Congress and the public with notification, with some allowance for classified material, when this prerogative is exercised, and with an explanation for its use.

In section 2204, the Committee recommends language to extend to September 30, 2005, authorities provided in section 1503 of Public Law 108–11 to suspend relevant provisions of the Iraq Sanctions Act and to make inapplicable to Iraq certain provisions of law that restrict assistance to countries that support terrorism. The President requested that section 1503 be made permanent. Additionally, the Committee amends the section to make Committee intent clear on the export of military equipment. In section 2205, the Committee amends Section 1504 of Public Law 108–11 to allow the export of small arms to Iraq. This was addressed by the Administration in its request for amending section 1503.

The Committee has included language in section 2206 that increases the cumulative value of military equipment that the Department of Defense may provide to Afghanistan from \$300,000,000 to \$450,000,000.

Other general provisions that the Committee includes are of a more technical nature. For instance, the Committee recommendation includes a provision (section 2210) as requested by the President that would allow the appropriations requested in this chapter to be made available without specific authorization.

The Committee also recommends language in section 2211 that allows the Overseas Private Investment Corporation to operate in Iraq notwithstanding any other provision of law. The Committee supports OPIC programs in Iraq, and therefore the Committee has provided language to waive existing requirements that the President enter into agreements with a host country government before opening and operating insurance and guaranty programs. However, the Committee does not expect that OPIC’s authority will be exercised to waive other existing statutory requirements including longstanding Congressional mandates; therefore, the Committee has made the exercise of such authority subject to the regular notification procedures of the Committees on Appropriations.

### TITLE III—GENERAL PROVISIONS—THIS ACT

Section 3001 limits the availability of funds provided in this Act to the current fiscal year, unless otherwise provided in the Act.

Section 3002 states that none of the funds in this or any other Act may be used for any defense or reconstruction activities in Iraq or Afghanistan coordinated by any officer of the United States Government whose office is not subject to appointment by the President by and with the advice and consent of the Senate.

Section 3003 concerns Impact Aid eligibility for certain students.

Section 3004 states that none of the funds in this Act may be provided to any unit of the security forces of a foreign country participating with coalition forces in Afghanistan or Iraq if the Secretary of State or the Secretary of Defense has credible evidence that such unit has committed gross violations of human rights, unless the appropriate Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces to justice.

Section 3005 would prohibit the use of funding in this or any other appropriations Act to execute any program that would remove Mexican citizens or nationals by land from the United States by returning them to a location other than the United States port of entry closest to the location where they were apprehended, last imprisoned, or acquitted. The Secretary may waive this provision if compliance is determined to be infeasible and notification is provided to the Committees on Appropriations and the Judiciary of the House of Representatives and the Senate.

Section 3006 would prohibit the use of funding in this or any other appropriations Act for the issuance of immigration Form I-20A by the San Antonio Office of Detention and Removal of the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

#### CHANGES IN THE APPLICATION OF EXISTING LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following statements are submitted describing the effect of provisions in the accompanying bill that directly or indirectly change the application of existing law.

The bill includes appropriations that are not authorized by law and as such may be construed as legislative in nature.

The bill includes emergency appropriation designations that may be construed as legislative in nature.

Language is included that restricts the availability of the funds to the current fiscal year unless otherwise provided.

Language has been included for Department of Defense—Military in “Operation and Maintenance, Navy” which provides that \$80,000,000 may be transferred to the Department of Homeland Security for Coast Guard operations.

Language has been included for Department of Defense—Military in “Operation and Maintenance, Defense-Wide” which provides funds for the CINC Initiative Fund; and provides funds for payments to reimburse key cooperating nations for logistical and military support in connection with the global war on terrorism.

Language has been included for Department of Defense—Military in “Iraq Freedom Fund” which provides funds for transfer to other appropriations, and requires certain notification and reporting requirements of the Secretary of Defense.

Language has been included for Department of Defense—Military in “Drug Interdiction and Counter-Drug Activities, Defense” which provides funds for such activities related to the drug problem in the Afghanistan region.

Language has been included for Department of Defense—Military in “Intelligence Community Management Account” which provides that \$3,000,000 may be transferred to the Department of Energy, and \$15,500,000 may be transferred to the Federal Bureau of Investigation.

Language has been included in Department of Defense—Military in section 1101 which provides the Secretary of Defense with additional transfer authority for funds in this Act.

Language has been included in Department of Defense—Military in section 1102 which provides authority to obligate funds for intelligence activities pursuant to section 504 of the National Security Act of 1954.

Language has been included in Department of Defense—Military in section 1103 which continues certain wartime personnel benefits for travel and transportation allowances for family members.

Language has been included in Department of Defense—Military in section 1104 which continues the monthly rate increases for Imminent Danger Pay and Family Separation Allowances through September 30, 2004.

Language has been included in Department of Defense—Military in section 1105 which allows the balance of funds in the “Defense Emergency Response Fund” to be charged to any current appropriations account of the Department of Defense.

Language has been included in Department of Defense—Military in section 1106 which provides that funds available for operation and maintenance may be used to provide a variety of services and support for coalition forces in Iraq.

Language has been included in Department of Defense—Military in section 1107 which provides that not to exceed \$100,000,000 in funds under “Operation and Maintenance, Defense-Wide” may be used for assistance for the new militaries in Iraq and Afghanistan.

Language has been included in Department of Defense—Military in section 1108 which limits the use of procurement and research, development, test and evaluation funds.

Language has been included in Department of Defense—Military in section 1109 providing additional appropriations to repair damages at military installations.

Language has been included in Department of Defense—Military in section 1110 which provides that not to exceed \$180,000,000 in funds made available in this Act for operation and maintenance for the Commander’s Emergency Response Program in Iraq, and to establish a similar program for use in Afghanistan.

Language is included that enables operations and maintenance funds to be used for emerging construction requirements if the construction is necessary to support Operation Iraqi Freedom or the Global War on Terrorism.

Language is included waiving prior authorization requirements for the expenditure of funds by the Department of State or the Broadcasting Board of Governors.

Under “Operating Expenses of the United States Agency for International Development”, \$40,000,000 is made available for di-

rect support of operations in Afghanistan and is to remain available until September 30, 2005.

Under “Iraq Relief and Reconstruction Fund”, \$18,649,000,000 is made available until September 30, 2005 for necessary expenses to carry out the purposes of the Foreign Assistance Act of 1961, for security, relief, rehabilitation and reconstruction in Iraq. The amounts are allocated as follows: \$3,243,000,000 for security and law enforcement; \$1,318,000,000 for justice, public safety infrastructure, and civil society; \$5,560,000,000 for the electric sector; \$2,100,000,000 for oil infrastructure; \$4,332,000,000 for water resources and sanitation; \$500,000,000 for transportation and telecommunications; \$370,000,000 for roads, bridges, and construction; \$793,000,000 for health care; \$153,000,000 for private sector development; and \$280,000,000 for education, refugees, human rights, democracy, and governance. Language is included that allows the President to reallocate up to 10 percent of any of the preceding allocations, except that the total for the allocation receiving such funds may not be increased by more than 20 percent. Additionally, language is included that designates 10% of funds apportioned to USAID made available for subcontracts should be reserved for small businesses. The bill requires an annual spending plan for reconstruction programs under the preceding allocations, including project-by-project detail, by the President not later than January 1, 2004, and is to be updated and submitted every 180 days thereafter. Language is included specifying that funds appropriated under this heading shall be apportioned only to the Coalition Provisional Authority in Iraq, the Department of State, the Department of Health and Human Services, the Department of Treasury, the Department of Defense, and the United States Agency for International Development. Provides not less than \$35,000,000 for administrative expenses of the Department of State Bureau of International Narcotics and Law Enforcement Affairs and the United States Agency for International Development for support of the reconstruction activities in Iraq, and that up to 1 percent of the amount appropriated for the Fund may be transferred to “Operating Expenses of the Coalition Provisional Authority”. Contributions of funds for the purposes provided from any person, foreign government, or international organization, may be credited to the Fund and used for such purposes, and the Committees on Appropriations must be notified quarterly of any collections pursuant to the previous proviso. Additionally, the CPA shall work, in conjunction with relevant Iraqi officials, to ensure that a new Iraqi constitution preserves full rights to religious freedom.

Under “Operating Expenses of the Coalition Provisional Authority”, \$858,000,000 is made available until September 30, 2005.

Under “Economic Support Fund”, \$872,000,000 is made available until December 31, 2004. Of this amount, not less than \$672,000,000 is available for Afghanistan, not to exceed \$30,000,000 may be used for activities related to disarmament, demobilization, and reintegration of militia combatants, not to exceed \$2,000,000 may be used to provide additional policy experts in Afghan ministries and not more than five senior advisors to the United States Ambassador may be deployed in Afghanistan, and not less than \$17,250,000 is available only for security requirements that directly support United States and Coalition personnel



who are implementing assistance programs in Afghanistan. Additionally, not to exceed \$200,000,000 is made available for modifying direct loans and guarantees for Pakistan only after the President makes a determination that the Government of Pakistan is fully cooperating with the United States in the global war on terrorism.

Under “International Disaster and Famine Assistance”, \$100,000,000 is made available to respond to or prevent unforeseen complex foreign crises, especially in Sudan and Liberia, and not to exceed 1 percent of other funds in the Chapter may be transferred to this account. These funds are provided only pursuant to a national interest determination by the President; these funds may not be available to respond to natural disasters, and funds made available are subject to notification.

Section 2201 prohibits funds in this Act from being used to forgive debts owed by the Government of Iraq.

Section 2202 requires that no funds in the “Iraq Relief and Reconstruction Fund” may be used to enter into any contract unless it is entered into in accordance with title III of the Federal Property and Administrative Services Act. Language is included allowing a waiver of this prohibition, but certain reporting requirements must be followed.

Section 2203 requires certain public disclosure requirements for any noncompetitive contracting using funds available for Iraq or for the “Iraq Relief and Reconstruction Fund”.

Section 2204 extends the date of applicability of section 1503 of Public Law 108–11 from September 30, 2004 to September 30, 2005 and clarifies Committee intent.

Section 2205 amends section 1504 of Public Law 108–11 by permitting the import of small arms into Iraq for Iraqi government and private security forces.

Section 2206 amends the Afghanistan Freedom Support Act of 2002 by increasing the cumulative value of military equipment that the Department of Defense may provide to Afghanistan from \$300,000,000 to \$450,000,000.

Section 2207 requires certain reports by the Coalition Provisional Authority.

Section 2208 deems the Coalition Provisional Authority in Iraq to include any successor United States Government entity with the same or substantially the same authorities and responsibilities as the Coalition Provisional Authority in Iraq.

Section 2209 allows that assistance under chapter 2 of title 1 may be provided for Iraq and Afghanistan notwithstanding any other provision of law not contained in this Act that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961.

Section 2210 allows funds appropriated in the bill to be obligated in the absence of a prior authorization of appropriations.

Section 2211 allows that notwithstanding any other provision of law, the Overseas Private Investment Corporation is authorized to undertake programs in Iraq, but such authority is subject to notification.

Section 2212 includes certain reporting requirements on military operations and reconstruction efforts in Iraq and Afghanistan.

Section 2213 requires the review of contracts by the Comptroller General in excess of \$1,000,000 using funds appropriated by this Act for foreign assistance.

Language is included stating that none of the funds in this or any other Act may be used for any defense or reconstruction activities in Iraq or Afghanistan coordinated by any officer of the United States Government whose office is not subject to appointment by the President and with the advice and consent of the Senate.

Language is included concerning Impact Aid eligibility for certain students.

Language is included prohibiting the use of any appropriations funding to remove Mexican citizens or nationals by land from the United States by returning them to a location other than the United States port of entry closest to the location where they were apprehended, last imprisoned, or acquitted. It also provides waiver authority to the Secretary of Homeland Security.

Language is included prohibiting the use of any appropriations to fund the issuance of immigration Form I-20A by the San Antonio Office of Detention and Removal of the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security.

#### APPROPRIATIONS NOT AUTHORIZED BY LAW

Pursuant to clause 3(f)(1) of rule XIII of the Rules of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law:

[In thousands of dollars]

Agency/program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
Department of Defense—Military:				
Military Personnel, Army .....	2003	(1)	26,855,017	12,188,870
Military Personnel, Navy .....	2003	(1)	21,927,628	816,100
Military Personnel, Marine Corps .....	2003	(1)	8,501,087	753,190
Military Personnel, Air Force .....	2003	(1)	21,981,277	3,384,700
Operation and Maintenance, Army .....	2003	23,922,251	23,992,082	24,355,664
Operation and Maintenance, Navy .....	2003	29,264,939	29,331,526	1,934,058
Transfer to Dept. of Homeland Security .....			0	(80,000)
Operation and Maintenance, Marine Corps ..	2003	3,559,636	3,585,759	1,198,981
Operation and Maintenance, Air Force .....	2003	27,419,488	27,339,533	5,598,368
Operation and Maintenance, Defense-Wide ..	2003	14,145,310	14,707,506	4,485,452
Operation and Maintenance, Marine Corps Reserve .....	2003	189,532	187,532	16,000
Operation and Maintenance, Air Force Reserve .....	2003	2,160,604	2,163,104	53,000
Operation and Maintenance, Air National Guard .....	2003	4,104,810	4,117,585	214,000
Overseas Humanitarian, Disaster, and Civic Aid .....	2003	58,400	58,400	35,500
Iraq Freedom Fund .....	2003	0	0	1,988,600
Procurement of Weapons & Tracked Combat Vehicles, Army .....	2003	2,276,751	2,266,508	101,600
Other Procurement, Army .....	2003	5,857,814	5,874,674	1,250,287
Aircraft Procurement, Navy .....	2003	8,979,275	8,812,855	158,600
Other Procurement, Navy .....	2003	4,494,754	4,612,910	76,357
Procurement, Marine Corps .....	2003	1,355,491	1,388,583	123,397
Aircraft Procurement, Air Force .....	2003	12,676,505	13,137,255	53,972
Missile Procurement, Air Force .....	2003	3,504,139	3,174,739	20,450
Other Procurement, Air Force .....	2003	10,846,048	10,672,712	3,418,006
Procurement, Defense-Wide .....	2003	3,691,604	3,414,455	418,635

[In thousands of dollars]

Agency/program	Last year of authorization	Authorization level	Appropriations in last year of authorization	Appropriations in this bill
Research, Development, Test and Evaluation, Navy .....	2003	13,244,164	13,946,085	34,000
Research, Development, Test and Evaluation, Air Force .....	2003	18,337,078	18,822,569	39,070
Research, Development, Test and Evaluation, Defense-Wide .....	2003	17,659,099	17,524,596	195,817
Defense Working Capital Funds .....	2003	387,156	1,784,956	600,000
National Defense Sealift Fund .....	2003	934,129	942,629	24,000
Defense Health Program .....	2003	14,468,994	14,843,542	658,380
Drug Interdiction and Counter-Drug Activities, Defense .....	2003	859,907	881,907	73,000
Intelligence Community Management Account .....	2003	163,479	163,479	21,500
Transfer to Dept of Energy .....			0	(3,000)
Transfer to Dept of Justice .....			(34,100)	(15,500)
Sec. 1101 Transfer Authority .....	2003	(2,500,000)	(2,500,000)	(3,000,000)
Sec. 1109 Storm Damage .....	2003	0	0	413,300
Military Construction, Army .....	2003	1,685,710	1,685,710	185,100
Military Construction, Navy .....	2003	1,353,228	1,353,228	45,530
Family Housing Operations and Maintenance, Army .....	2003	1,106,007	1,106,007	8,151
Military Construction, Air Force .....	2003	1,233,147	1,233,147	292,550
Family Housing Operation and Maintenance, Navy and Marine Corps .....	2003	861,788	861,788	6,280
Family Housing Operation and Maintenance, Air Force .....	2003	864,850	864,850	6,981
Department of Justice: General Legal Activities .....	2003	659,181	605,368	15,000
Department of State: Administration of Foreign Affairs .....	2003	5,133,390	5,098,804	214,000
International Organizations .....	2003	1,617,359	1,529,702	245,000
Broadcasting Board of Governors .....	2003	644,486	533,841	40,000
Operating expenses of the United States Agency for International Development .....	1987	387,000,000	340,600,000	40,000,000
Iraq Relief and Reconstruction Fund .....	0	0	0	18,649,000,000
Operating expenses of the Coalition Provisional Authority .....	0	0	0	858,000,000
Economic Support Fund .....	1987	3,800,000,000	3,555,000,000	872,000,000
International Disaster and Famine Assistance .....	1987	25,000,000	70,000,000	100,000,000
International Narcotics Control and Law Enforcement .....	1994	171,500,000	100,000,000	170,000,000
Nonproliferation, Anti-terrorism, demining and related programs .....	0	0	0	35,000,000
Foreign Military Financing Program .....	2003	4,107,000,000	6,104,632,000	297,000,000
Peacekeeping operations .....	1999	83,000,000	76,500,000	50,000,000

<sup>1</sup> The FY 2003 National Defense Authorization Act authorizes \$93,829,525,000 for military personnel.

### TRANSFER OF FUNDS

Pursuant to clause 3(f)(2) of rule XIII of the Rules of the House of Representatives, the following is submitted describing the transfer of funds provided in the accompanying bill.

Language has been included in Department of Defense—Military in “Operation and Maintenance, Navy” which provides for the transfer of \$80,000,000 to the Department of Homeland Security for Coast Guard operations.

Language has been included in Department of Defense—Military in the “Iraq Freedom Fund” which provides for the transfer of funds out of and into this account.

Under “Iraq Relief and Reconstruction Fund”, up to 1 percent may be transferred to and merged with “Operating Expenses of the Coalition Provisional Authority.”

Under “International Disaster and Famine Assistance”, language has been included that provides that up to one percent of funds under other headings in this chapter may be transferred and merged with funds under this heading.

Language has been included in Department of Defense—Military in “Drug Interdiction and Counter-Drug Activities, Defense” which transfers funds to other appropriations accounts of the Department of Defense.

Language has been included in Department of Defense—Military in “Intelligence Community Management Account” which provides for the transfer of \$3,000,000 to the Department of Energy and \$15,500,000 to the Federal Bureau of Investigation.

Language has been included in Department of Defense—Military in section 1101 which provides the Department with transfer authority for funds in this Act.

Language is included which allows the transfer of funds within the Department of State, from “Emergencies in the Diplomatic and Consular Service” to “Diplomatic and Consular Programs”.

#### RESCISSIONS

Clause 3(f)(2) of rule XIII of the Rules of the House of Representatives requires a report on rescissions in the accompanying bill.

[In thousands of dollars]

Department of State:	
Diplomatic and Consular Programs .....	\$35,800

#### COMPARISON WITH THE BUDGET RESOLUTION

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives requires an explanation of compliance with section 308(a)(1)(A) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, which requires that the report accompanying a bill providing new budget authority contain a statement detailing how that authority compares with the reports submitted under section 302 of the Act for the most recently agreed to concurrent resolution on the budget for the applicable fiscal year.

Appropriations in this bill are designated emergency and therefore will not be measured against the section 302 allocations.

#### FIVE-YEAR OUTLAY PROJECTIONS

In compliance with section 308(a)(1)(B) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, the following table contains five-year projections associated with the budget authority provided in the accompanying bill:

	<i>Millions</i>
Budget Authority .....	86,856
Outlays:	
2004 .....	36,599
2005 .....	33,334
2006 .....	11,639

2007 .....	<i>Millions</i> 2,970
2008 and beyond .....	1,830

#### ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

In accordance with section 308(a)(1)(C) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344), as amended, the financial assistance to State and local governments is as follows:

Budget Authority .....	<i>Millions</i> ---
Fiscal Year 2004 outlays resulting therefrom .....	---

#### CONSTITUTIONAL AUTHORITY

Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives states that:

Each report of a committee on a bill or joint resolution of a public character, shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the law proposed by the bill or joint resolution.

The Committee on Appropriations bases its authority to report this legislation from Clause 7 of Section 9 of Article I of the Constitution of the United States of America which states:

No money shall be drawn from the Treasury but in consequence of Appropriations made by law \* \* \*

Appropriations contained in this Act are made pursuant to this specific power granted by the Constitution.

#### STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the following is a statement of general performance goals and objectives for which this measure authorizes funding:

The Committee on Appropriations considers program performance, including a program’s success in developing and attaining outcome-related goals and objectives, in developing funding recommendations.

#### COMPLIANCE WITH CLAUSE 3 OF RULE XIII (RAMSEYER RULE)

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

\* \* \* \* \*

### SECTION 1313 OF THE EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

#### (TRANSFER OF FUNDS)

Sec. 1313. As of October 31, 2003, all *unobligated* balances of funds remaining in the “Defense Emergency Response Fund” shall

be transferred to, and merged with, the “Iraq Freedom Fund”, and shall be available for the same purposes, and under the same terms and conditions, as funds appropriated to the “Iraq Freedom Fund” in this chapter.

\* \* \* \* \*

## EMERGENCY WARTIME SUPPLEMENTAL APPROPRIATIONS ACT, 2003

(Public Law 108–11)

\* \* \* \* \*

### TITLE I—WAR-RELATED APPROPRIATIONS

\* \* \* \* \*

#### CHAPTER 5

\* \* \* \* \*

#### GENERAL PROVISIONS, THIS CHAPTER

\* \* \* \* \*

SEC. 1503. The President may suspend the application of any provision of the Iraq Sanctions Act of 1990: *Provided*, That nothing in this section shall affect the applicability of the Iran-Iraq Arms Non-Proliferation Act of 1992 (Public Law 102–484), except that such Act shall not apply to humanitarian assistance and supplies: *Provided further*, That the President may make inapplicable with respect to Iraq section 620A of the Foreign Assistance Act of 1961 or any other provision of law that applies to countries that have supported terrorism: *Provided further*, That military [equipment] *equipment, including equipment*, as defined by title XVI, section 1608(1)(A) of Public Law 102–484, shall not be exported under the authority of this section: *Provided further*, That section 307 of the Foreign Assistance Act of 1961 shall not apply with respect to programs of international organizations for Iraq: *Provided further*, That provisions of law that direct the United States Government to vote against or oppose loans or other uses of funds, including for financial or technical assistance, in international financial institutions for Iraq shall not be construed as applying to Iraq: *Provided further*, That the President shall submit a notification 5 days prior to exercising any of the authorities described in this section to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives: *Provided further*, That not more than 60 days after enactment of this Act and every 90 days thereafter the President shall submit a report to the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives containing a summary of all licenses approved for export to Iraq of any item on the Commerce Control List contained in the Export Administration Regulations, 15 CFR Part 774, Supplement 1, including identification of end users of such items: *Provided further*, That the authorities contained in this section shall expire on September 30, [2004] 2005, or on the date of enactment of a subse-

quent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

SEC. 1504. Notwithstanding any other provision of law, the President may authorize the export to Iraq of any nonlethal military equipment **【controlled】** or *small arms controlled* under the International Trafficking in Arms Regulations on the United States Munitions List established pursuant to section 38 of the Arms Export Control Act (22 U.S.C. 2778), if the President determines and notifies within 5 days prior to export the Committee on Appropriations of each House of the Congress, the Committee on Foreign Relations of the Senate, and the Committee on International Relations of the House of Representatives that the export of such nonlethal military equipment is in the national interest of the United States: *Provided*, That the limitation regarding nonlethal military equipment shall not apply to military equipment designated by the Secretary of State for use by a reconstituted (or interim) Iraqi military or police force: *Provided further*, That the authorities contained in this section shall expire on September 30, 2004, or on the date of enactment of a subsequent Act authorizing assistance for Iraq and that specifically amends, repeals or otherwise makes inapplicable the authorities of this section, whichever occurs first.

\* \* \* \* \*

## SECTION 202 OF THE AFGHANISTAN FREEDOM SUPPORT ACT OF 2002

### SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) \* \* \*

(b) AMOUNT OF ASSISTANCE.—The aggregate value (as defined in section 644(m) of the Foreign Assistance Act of 1961) of assistance provided under subsection (a) may not exceed **【\$300,000,000】** \$450,000,000, except that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 204(b)(1) and shall not count toward any limitation contained in section 506 of the Foreign Assistance Act of 1961 (22 U.S.C. 2318).

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLLCALL NO. 1

Date: October 9, 2003.

Measure: Emergency Supplemental for Defense and for the Reconstruction of Iraq and Afghanistan Appropriations Bill, FY 2004.

Motion by: Mr. Obey.

Description of motion: To offset the cost of the bill by increasing the top marginal tax rate, provide \$40,000,000 for medical and dental screening for reservists called to active duty, provide \$60,000,000 to extend transitional health care benefits for reservists, provide \$50,000,000 to increase support for Reserve and National Guard family assistance centers, permanently eliminate the subsistence fee for members hospitalized for wounds received while in combat or training, provide \$65,000,000 for telephone and internet service for members deployed to a combat zone, provide \$50,000,000 for government-paid travel under rest and recuperation leave program for members serving one year or more in-theatre, provide \$40,500,000 for essential goods and services for troops, establish military campaign medals to recognize service in Operation Enduring Freedom and Operation Iraqi Freedom, provide \$50,000,000 to enhance transition assistance for disabled servicemembers returning to civilian life, provide \$3,126,000,000 for reconstituting the military forces, provide \$1,000,000,000 to increase Army manpower end-strength level, require a report on military operations and reconstruction efforts in Iraq and Afghanistan, provide \$179,000,000 for Military Construction, Army, reduce funding for the Iraq Relief and Reconstruction Fund by \$4,618,000,000, require a GAO report on noncompetitive contracting, require congressional notification regarding contracts in excess of \$5,000,000 relating to activities in Iraq, require the head of an executive agency entering into a contract relating to activities in Iraq to develop a plan for minimizing the costs to the Federal Government through the use of Iraqi firms, define the legal status of Coalition Provisional Authority for Iraq, and establish a \$7,000,000,000 Iraq Reconstruction Trust Fund.

Results: Rejected 25 yeas to 36 nays.

*Members Voting Yea*

Mr. Berry  
Mr. Bishop  
Mr. Boyd  
Mr. Clyburn  
Ms. DeLauro  
Mr. Edwards  
Mr. Farr  
Mr. Fattah  
Mr. Hinchey  
Mr. Hoyer  
Mr. Jackson

*Members Voting Nay*

Mr. Aderholt  
Mr. Bonilla  
Mr. Cramer  
Mr. Crenshaw  
Mr. Culberson  
Mr. Cunningham  
Mr. Dicks  
Mr. Doolittle  
Mrs. Emerson  
Mr. Frelinghuysen  
Mr. Goode



Ms. Kaptur  
Mr. Kennedy  
Ms. Kilpatrick  
Mrs. Lowey  
Mr. Moran  
Mr. Obey  
Mr. Olver  
Mr. Pastor  
Mr. Price  
Mr. Rothman  
Ms. Roybal-Allard  
Mr. Sabo  
Mr. Serrano  
Mr. Visclosky

Ms. Granger  
Mr. Hobson  
Mr. Kingston  
Mr. Kirk  
Mr. Knollenberg  
Mr. Kolbe  
Mr. LaHood  
Mr. Latham  
Mr. Lewis  
Mr. Mollohan  
Mr. Murtha  
Mr. Nethercutt  
Mrs. Northup  
Mr. Peterson  
Mr. Regula  
Mr. Rogers  
Mr. Sherwood  
Mr. Simpson  
Mr. Tiahrt  
Mr. Walsh  
Mr. Wamp  
Dr. Weldon  
Mr. Wicker  
Mr. Wolf  
Mr. Young

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLLCALL NO. 2

Date: October 9, 2003.

Measure: Emergency Supplemental for Defense and for the Reconstruction of Iraq and Afghanistan Appropriations Bill, FY 2004.

Motion by: Mr. Obey.

Description of motion: To appropriate \$14,000,000,000 to the Department of Defense for Aircraft Procurement, Air Force.

Results: Rejected 28 yeas to 33 nays.

*Members Voting Yea*

Mr. Berry  
Mr. Bishop  
Mr. Boyd  
Mr. Clyburn  
Mr. Cramer  
Ms. DeLauro  
Mr. Dicks  
Mr. Edwards  
Mr. Farr  
Mr. Fattah  
Mr. Hinchey  
Mr. Hoyer  
Mr. Jackson  
Ms. Kaptur  
Mr. Kennedy  
Ms. Kilpatrick  
Mrs. Lowey  
Mr. Mollohan  
Mr. Moran  
Mr. Obey  
Mr. Olver  
Mr. Pastor  
Mr. Price  
Mr. Rothman  
Ms. Roybal-Allard  
Mr. Sabo  
Mr. Serrano  
Mr. Visclosky

*Members Voting Nay*

Mr. Bonilla  
Mr. Crenshaw  
Mr. Culberson  
Mr. Cunningham  
Mr. Doolittle  
Mrs. Emerson  
Mr. Frelinghuysen  
Mr. Goode  
Ms. Granger  
Mr. Hobson  
Mr. Istook  
Mr. Kingston  
Mr. Kirk  
Mr. Knollenberg  
Mr. Kolbe  
Mr. LaHood  
Mr. Latham  
Mr. Lewis  
Mr. Murtha  
Mr. Nethercutt  
Mrs. Northup  
Mr. Peterson  
Mr. Regula  
Mr. Sherwood  
Mr. Simpson  
Mr. Sweeney  
Mr. Tiahrt  
Mr. Walsh  
Mr. Wamp  
Dr. Weldon  
Mr. Wicker  
Mr. Wolf  
Mr. Young

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLLCALL NO. 3

Date: October 9, 2003.

Measure: Emergency Supplemental for Defense and for the Reconstruction of Iraq and Afghanistan Appropriations Bill, FY 2004.

Motion by: Mr. Hinchey.

Description of motion: To modify section 2203(a)(3) of the bill regarding applicability of public disclosure requirements for non-competitive contracting for the reconstruction of infrastructure in Iraq.

Results: Rejected 29 yeas to 33 nays.

<i>Member Voting Yea</i>	<i>Members Voting Nay</i>
Mr. Berry	Mr. Aderholt
Mr. Bishop	Mr. Bonilla
Mr. Boyd	Mr. Crenshaw
Mr. Clyburn	Mr. Culberson
Mr. Cramer	Mr. Cunningham
Ms. DeLauro	Mr. Doolittle
Mr. Dicks	Ms. Emerson
Mr. Edwards	Mr. Frelinghuysen
Mr. Farr	Mr. Goode
Mr. Fattah	Ms. Granger
Mr. Hinchey	Mr. Hobson
Mr. Hoyer	Mr. Istook
Mr. Jackson	Mr. Kingston
Ms. Kaptur	Mr. Kirk
Mr. Kennedy	Mr. Knollenberg
Ms. Kilpatrick	Mr. Kolbe
Mrs. Lowey	Mr. LaHood
Mr. Mollohan	Mr. Latham
Mr. Moran	Mr. Lewis
Mr. Murtha	Mr. Nethercutt
Mr. Obey	Mrs. Northup
Mr. Olver	Mr. Peterson
Mr. Pastor	Mr. Regula
Mr. Price	Mr. Sherwood
Mr. Rothman	Mr. Simpson
Ms. Roybal-Allard	Mr. Sweeney
Mr. Sabo	Mr. Tiahrt
Mr. Serrano	Mr. Walsh
Mr. Visclosky	Mr. Wamp
	Dr. Weldon
	Mr. Wicker
	Mr. Wolf
	Mr. Young

## FULL COMMITTEE VOTES

Pursuant to the provisions of clause 3(b) of rule XIII of the House of Representatives, the results of each rollcall vote on an amendment or on the motion to report, together with the names of those voting for and those voting against, are printed below:

## ROLLCALL NO. 4

Date: October 9, 2003.

Measure: Emergency Supplemental for Defense and for the Reconstruction of Iraq and Afghanistan Appropriations Bill, FY 2004.

Motion by: Mr. Regula.

Description of motion: To report the bill, to authorize the chairman to seek a rule on such terms and conditions as he may deem appropriate, and to authorize the Chairman to move that the House disagree to the amendments of the Senate and agree to the conference requested by the Senate on the bill.

Results: Adopted 47 yeas to 14 nays.

*Members Voting Yea*

Mr. Aderholt  
Mr. Bishop  
Mr. Bonilla  
Mr. Boyd  
Mr. Cramer  
Mr. Crenshaw  
Mr. Culberson  
Mr. Cunningham  
Mr. Dicks  
Mr. Doolittle  
Mr. Edwards  
Mrs. Emerson  
Mr. Frelinghuysen  
Mr. Goode  
Ms. Granger  
Mr. Hobson  
Mr. Hoyer  
Mr. Istook  
Mr. Kennedy  
Mr. Kingston  
Mr. Kirk  
Mr. Knollenberg  
Mr. Kolbe  
Mr. LaHood  
Mr. Latham  
Mr. Lewis  
Mrs. Lowey  
Mr. Mollohan  
Mr. Murtha  
Mr. Nethercutt  
Mrs. Northup  
Mr. Peterson  
Mr. Price  
Mr. Regula  
Mr. Rothman

*Members Voting Nay*

Mr. Berry  
Mr. Clyburn  
Ms. DeLauro  
Mr. Farr  
Mr. Fattah  
Mr. Hinchey  
Mr. Jackson  
Ms. Kaptur  
Ms. Kilpatrick  
Mr. Moran  
Mr. Obey  
Mr. Olver  
Mr. Pastor  
Mr. Serrano

Ms. Roybal-Allard  
Mr. Sabo  
Mr. Sherwood  
Mr. Simpson  
Mr. Sweeney  
Mr. Tiahrt  
Mr. Visclosky  
Mr. Wamp  
Dr. Weldon  
Mr. Wicker  
Mr. Wolf  
Mr. Young

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS  
RECOMMENDED IN THE BILL  
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
-----			
TITLE I - NATIONAL SECURITY			
CHAPTER 1			
DEPARTMENT OF DEFENSE			
Military Personnel			
Military Personnel, Army (emergency).....	12,858,870	12,188,870	-670,000
Military Personnel, Navy (emergency).....	816,100	816,100	---
Military Personnel, Marine Corps (emergency).....	753,190	753,190	---
Military Personnel, Air Force (emergency).....	3,384,700	3,384,700	---
Total, Military Personnel.....	17,812,860	17,142,860	-670,000
-----			
Operation and Maintenance			
Operation and Maintenance, Army (emergency).....	24,190,464	24,355,664	+165,200
Operation and Maintenance, Navy (emergency).....	2,106,258	1,934,058	-172,200
(Transfer out) (emergency).....	(-80,000)	(-80,000)	---
Coast Guard Operations (by transfer) (emergency).....	(80,000)	(80,000)	---
Operation and Maintenance, Marine Corps (emergency)....	1,198,981	1,198,981	---
Operation and Maintenance, Air Force (emergency).....	5,948,368	5,598,368	-350,000
Operation and Maintenance, Defense-Wide (emergency)....	4,618,452	4,485,452	-133,000
Operation and Maintenance, Marine Corps Reserve (emergency).....	16,000	16,000	---
Operation and Maintenance, Air Force Reserve (emergency).....	53,000	53,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS  
RECOMMENDED IN THE BILL  
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
Operation and Maintenance, Air National Guard (emergency).....	214,000	214,000	---
Overseas Humanitarian, Disaster, and Civic Aid (emergency).....	35,500	35,500	---
Iraq Freedom Fund (emergency).....	1,988,600	1,988,600	---
Total, Operation and Maintenance.....	40,369,623	39,879,623	-490,000
Procurement			
Missile Procurement, Army (emergency).....	6,200	---	-6,200
Procurement of Weapons and Tracked Combat Vehicles, Army (emergency).....	46,000	101,600	+55,600
Other Procurement, Army (emergency).....	930,687	1,250,287	+319,600
Aircraft Procurement, Navy (emergency).....	128,600	158,600	+30,000
Other Procurement, Navy (emergency).....	76,357	76,357	---
Procurement, Marine Corps (emergency).....	123,397	123,397	---
Aircraft Procurement, Air Force (emergency).....	40,972	53,972	+13,000
Missile Procurement, Air Force (emergency).....	20,450	20,450	---
Other Procurement, Air Force (emergency).....	3,441,006	3,418,006	-23,000
Procurement, Defense-Wide (emergency).....	435,635	418,635	-17,000
Total, Procurement.....	5,249,304	5,621,304	+372,000
Research, Development, Test and Evaluation			
Research, Development, Test and Evaluation, Navy (emergency).....	34,000	34,000	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS  
RECOMMENDED IN THE BILL  
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
Research, Development, Test and Evaluation, Air Force (emergency).....	39,070	39,070	---
Research, Development, Test and Evaluation, Defense-Wide (emergency).....	265,817	195,817	-70,000
Total, Research, Development, Test and Evaluation.....	338,887	268,887	-70,000
Revolving and Management Funds			
Defense Working Capital Funds (emergency).....	600,000	600,000	---
National Defense Sealift Fund (emergency).....	24,000	24,000	---
Total, Revolving and Management Funds.....	624,000	624,000	---
Other Department of Defense Programs			
Defense Health Program (emergency).....	658,380	658,380	---
Drug Interdiction and Counter-Drug Activities, Defense (emergency).....	73,000	73,000	---
Total, Other Department of Defense Programs.....	731,380	731,380	---
Related Agencies			
Intelligence Community Management Account (emergency). Transfer to Department of Energy.....	21,500 (3,000)	21,500 (3,000)	---
Transfer to Department of Justice.....	(15,500)	(15,500)	---



COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS  
RECOMMENDED IN THE BILL  
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
-----			
GENERAL PROVISIONS			
Transfer Authority (sec. 1101) (emergency).....	(5,000,000)	(3,000,000)	(-2,000,000)
Storm Damage (sec. 1109) (emergency).....	---	413,300	+413,300
-----			
Total, Chapter 1.....	65,147,554	64,702,854	-444,700
=====			
CHAPTER 2			
DEPARTMENT OF HOMELAND SECURITY			
United States Coast Guard			
Operating expenses (emergency).....	---	23,183	+23,183
=====			
CHAPTER 3			
MILITARY CONSTRUCTION			
Military construction, Army (emergency).....	119,900	185,100	+65,200
Military construction, Air Force (emergency).....	292,550	292,550	---
Military construction, Navy (emergency).....	---	45,530	+45,530
Family housing operations and maintenance, Army (emergency).....	---	8,151	+8,151
Family housing operation and maintenance, Navy and Marine Corps (emergency).....	---	6,280	+6,280

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS  
RECOMMENDED IN THE BILL  
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
Family housing operation and maintenance, Air Force (emergency).....	---	6,981	+6,981
Total, Chapter 3.....	412,450	544,592	+132,142
Total, TITLE I.....	65,560,004	65,270,629	-289,375

TITLE II - IRAQ AND AFGHANISTAN RECONSTRUCTION  
AND INTERNATIONAL ASSISTANCE

CHAPTER 1

DEPARTMENT OF JUSTICE

General Legal Activities (emergency).....	---	15,000	+15,000
---	-----	--------	---------

DEPARTMENT OF STATE AND RELATED AGENCY

Administration of Foreign Affairs

Diplomatic and Consular programs (emergency).....	40,500	156,300	+115,800
Reappropriation.....	35,800	---	-35,800
Rescission (emergency).....	---	-35,800	-35,800
Embassy Security, Construction and Maintenance (emergency).....	60,500	43,900	-16,600

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS  
RECOMMENDED IN THE BILL  
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
-----	-----	-----	-----
Emergencies in the Diplomatic and Consular service (emergency).....	50,000	50,000	---
Total, Administration of Foreign Affairs.....	186,800	214,400	+27,600
International Organizations			
Contributions for International Peacekeeping Activities (emergency).....	---	245,000	+245,000
RELATED AGENCY			
Broadcasting Board of Governors			
International Broadcasting Operations (emergency).....	---	40,000	+40,000
Total, Chapter 1.....	186,800	514,400	+327,600
Emergency appropriations.....	(186,800)	(550,200)	(+363,400)
Emergency rescissions.....	---	(-35,800)	(-35,800)
=====	=====	=====	=====

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS  
RECOMMENDED IN THE BILL  
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
CHAPTER 2			
BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
United States Agency for International Development			
Operating expenses of the United States Agency for International Development (emergency).....	40,000	40,000	---
OTHER BILATERAL ECONOMIC ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Iraq relief and reconstruction fund (emergency).....	20,304,000	18,649,000	-1,655,000
Operating Expenses of the Coalition Provisional Authority (emergency).....	---	858,000	+858,000
Economic support fund (emergency).....	422,000	872,000	+450,000
International disaster and famine assistance (emergency).....	---	100,000	+100,000
United States Emergency Fund for Complex Foreign Crises (emergency).....	100,000	---	-100,000
DEPARTMENT OF STATE			
International narcotics control and law enforcement (emergency).....	120,000	170,000	+50,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS  
RECOMMENDED IN THE BILL  
(Amounts in thousands)

	FY 2004 Request	Recommended in the Bill	Bill vs. Request
-----	-----	-----	-----
Nonproliferation, anti-terrorism, demining and related programs (emergency).....	35,000	35,000	---
MILITARY ASSISTANCE			
FUNDS APPROPRIATED TO THE PRESIDENT			
Foreign Military Financing Program (emergency).....	222,000	297,000	+75,000
Peacekeeping operations (emergency).....	50,000	50,000	---
Total, Chapter 2.....	21,293,000	21,071,000	-222,000
=====	=====	=====	=====
Total, TITLE II.....	21,479,800	21,585,400	+105,600
Emergency appropriations.....	(21,479,800)	(21,621,200)	(+141,400)
Emergency rescissions.....	---	(-35,800)	(-35,800)
=====	=====	=====	=====
GRAND TOTAL (net).....	87,039,804	86,856,029	-183,775
Emergency appropriations.....	(87,039,804)	(86,891,829)	(-147,975)
Emergency rescissions.....	---	(-35,800)	(-35,800)
Transfer authority (emergency).....	(5,000,000)	(3,000,000)	(-2,000,000)
(Transfer out) (emergency).....	(-77,000)	(-77,000)	---
(By transfer) (emergency).....	(95,500)	(95,500)	---
=====	=====	=====	=====

## DISSENTING VIEWS OF DAVID OBEY

The \$86.9 billion Supplemental Appropriation reported by the Committee is a marked improvement over the package requested by the President. It provides the Pentagon with no flexibility in terms of procuring two types of equipment that are of critical importance to the ability of our troops to accomplish their mission and return home safely. The first is Kevlar flak jacket inserts otherwise known as body armor. The second is portable jammers to block the radio signals used to detonate the remote controlled bombs that have been repeatedly used to kill and wound our troops. For reasons that the committee has yet to determine, the current civilian leaders in the Pentagon failed to provide adequate supplies of these two types of equipment prior to the U.S. invasion of Iraq and further failed to purchase such equipment even after it became apparent in June that the shortages were costing American lives.

The Committee bill also eliminates some of the more egregious items in the administration's proposed Iraq "reconstruction" package such as the two \$50,000 a bed prisons, the trash trucks and the business training courses that appeared to cost more per pupil than the M.B.A. program at Harvard.

But there are several questions that Members of Congress should ask themselves before they vote to send this package to the President for final approval.

1. Does it do as much as it should to support our troops and allow them to return home safely?

2. Does it do as much as it should to restore the readiness of the U.S. military to respond to future crises in the Middle East or other parts of the world?

3. Does it provide Iraq with the right kind of assistance so that Iraqis can assume control of their own government, economy and security as quickly as possible allowing our troops to leave the country at the earliest possible date?

4. Does the package provide for reasonable levels of assistance that not only meet the most important needs of the people of Iraq but also are balanced in terms of our own budget situation and in terms of what we are able to do with respect to the pressing needs of communities and people here at home?

5. Does the package place a fair share of the burden for rebuilding Iraq on the shoulders of the American taxpayers?

6. Should the package be financed by adding its cost to the public debt as both the administration and the Committee are proposing?

7. Has the administration finally settled on an underlying policy that offers a reasonable chance for the sacrifices being demanded of our troops, their families and taxpayer to be met with success?

If any Member feels the answer to all of the above questions is yes, then he or she should vote in favor of the package that has

been reported by Committee. If on the other hand he or she feels that the answer to one or more of these questions is no, there is an obligation to work toward improving the package and oppose its moving forward until the improvements are in place. There is no question about the desire and determination of members of both parties in this Congress to move quickly toward adoption of a package that provides the funds needed by our military and supports Iraqi reconstruction at a level that will allow our troops to return home at the earliest possible date. But if Members fear challenging critically flawed provisions, they will fail in their responsibilities to both the troops and the taxpayer. These are my thoughts on each of the above questions.

1. With respect to the first question, *the Committee proposal fails to do a number of extremely important things needed to support and protect our troops.*

#### *Clean Water*

Probably the most important of these is the failure to provide needed water purification equipment to supply U.S. troops with clean water. The administration requested this equipment for only one of the nine major U.S. bases in Iraq. Since most of Iraq is without adequate sewage treatment facilities, most of the water available throughout the country needs a significant level of purification before it is potable. The President's request contains only \$15 million for such purposes leaving approximately 80% of the troops in Iraq without clean water.

This is both inhumane and stupid. Soldiers suffering from dysentery cannot perform their duties. Reports indicate numerous instances where entire units have been stricken with dysentery. There is nothing that the Congress can do to alleviate many of the dangerous and uncomfortable conditions with which our troops must contend on a daily basis in Iraq. It would be unforgivable if we failed to address one that could be easily and inexpensively resolved.

#### *Pre Department Health and Dental Screening*

A second issue that should be addressed is the cost to reservists being activated for duty in Iraq of pre deployment medical and dental screening. Currently such screening is the financial responsibility of the individual reservists. Not only should the cost of such screening be paid by the Pentagon on the basis of simple fairness, it also should be covered for purposes of ensuring the success of the mission. The heavy use of Reserve and National Guard troops in Iraq means that many older soldiers are being placed in a very difficult and physically demanding environment. Sending individuals into that environment without the physical capacity to cope with such conditions puts both the soldier and the mission at risk.

It strains the expensive and scarce resources we have for providing medical assistance in the field and forces medical evacuation of troops unable to meet the difficult challenges posed by extreme heat, dust, poor water, lack of sleep and high levels of stress.

*Extending Post Deployment Health Coverage to Six Months*

An additional issue with respect to Reserve and Guard units is the length of health care coverage following their deployments. Currently, that coverage lasts for only 60 days. The harsh and unusual conditions faced by the troops in Iraq make it highly probable that many of the important side effects of their deployment will not appear in the first two months following their deployment. Coverage should be extended to a full six months.

*Providing Prepaid Phone Cards*

Most members are aware that many of the soldiers stationed in Iraq have had to pay exorbitant telephone bills when they have had the rare opportunity to phone home. This supplemental can and should insure that there are adequate numbers of prepaid phone cards to allow U.S. soldiers to call home when they have the opportunity. The Committee bill does not do that.

*Covering R&R Transportation Costs*

While we are finally able to allow some troops to return home for a short period of rest and relaxation during their twelve month deployment, we are not covering the cost of the travel beyond the point of their arrival into the United States. That too is something that this package could and should cover but does not.

2. *The Committee bill fails to take common sense steps to repair damaged equipment and leaves our nation's military at an unacceptably low state of readiness.* The Services estimate that the invasion and occupation of Iraq has already placed a very heavy toll on the equipment that was deployed for those missions. The total cost of reconditioning all of the equipment used so far in Iraq exceeds \$20 billion.

While the massive size of the reconditioning efforts required makes it impossible to restore all or even most of the equipment used in Iraq in the current fiscal year, it is remarkable that the administration has requested far less than could be used for reconditioning between now and October 1, 2004. Unfortunately, the Committee also failed to provide the funds needed to get reconditioning efforts up to full speed.

The result of that specific budget decision is that thousands of pieces of valuable equipment such as M1 tanks and Bradley fighting vehicles, equipment that might be needed sooner rather than later, will sit in unusable condition throughout this year and well into the next. The capacity of our military to sustain itself in the performance of this mission will be placed at risk and our ability to respond to crises outside of Iraq will be placed in serious jeopardy.

3. While the Committee wisely pared back some of the more outlandish projects proposed by the Coalition Provisional Authority, *the bill it is sending to the House does little to alter the underlying approach to reconstruction envisaged by the CPA. That approach relies on huge contracts with large multinational corporations to provide high tech and capital-intensive construction, training and services to Iraq requiring the importation of heavy equipment, highly paid consultants and the payment of corporate overhead and profits.*



The consequence of this approach is that the American taxpayer will pay more than he or she should; the amount of construction or reconstruction that can be preformed within available funds will be significantly less than might otherwise be accomplished; the development of Iraqi businesses and institutions to deal with such problems will be negligible and the number of Iraqis who will be employed will be far less than could be productively used if less capital-intensive and lower tech approaches were followed. In short, we will be paying more for fewer results and particularly fewer results with respect to employment and other economic changes necessary to bring about greater political stability.

Perhaps the best example of how this approach is bilking the taxpayer while inhibiting reconstruction is a recent attempt to restore a concrete factory in Northern Iraq. After U.S. engineers had estimated that it would cost \$15 million to bring the factory up to Western standards, Major General David Patraeus, Commander of the 101st Airborne Division gave the contract to local Iraqis who were able to get the cement plant running for just \$80,000. In the process, General Patraeus stimulated the growth of Iraqi businesses and the ability of the country to cope with its own problems through finding its own solutions.

4. Despite the \$1.7 billion cut from the Administration's request, the Committee provides \$18.6 billion for Iraq reconstruction and thereby effectively more than doubles U.S. foreign aid. *The package is not balanced either in terms of what we spend in other troubled portions of the world or what we are spending to solve problems here at home.*

The amount of money that the administration proposes to spend in the coming year for reconstruction of Iraq is so massive that it is difficult to place it in perspective.

While some in the administration have evoked the Marshall Plan as a precedent, the request would have us spend ten times as much on a per person basis in Iraq in the coming year as we spent per year in Europe after World War II even after adjusting for inflation.

The proposal would have us provide more than twice as much assistance to Iraq, a country with a per capita income nearly four times that of the world's poorest nations, than we provide to all the rest of the world. This is in spite of the fact that if all of Iraq's 23.5 million people were desperately poor they would still constitute less than 1% of such persons on a global basis.

But the lack of proportionality with the Iraq request is also true with respect to the amounts that would be provided for infrastructure and training in Iraq compared to similar types of investments that the administration is unwilling to make here at home. The \$3.7 billion requested for sewer and water projects in Iraq for instance compares to only slightly more than that amount in the federal budget for all of the communities and jurisdictions in the United States, a country with about 12 times the population.

5. *The Committee bill forces the U.S. taxpayer to cover costs for Iraq through direct grants even though Iraq has more than \$7 trillion in proven and probable oil reserves and is in a strong position to repay the sums needed for its own reconstruction. The bill does*

*nothing to internationalize the burden and encourage other nations to make a contribution.*

All of the \$18.6 billion in assistance provided Iraq is provided as a direct grant with no obligation to repay. While many approaches to providing loans to Iraq are complicated by the estimated \$100 billion to \$200 billion in outstanding debts that Iraq may owe to foreign creditors, it is possible for the World Bank to lend money to Iraq for reconstruction in the context of a debt restructuring agreement. By virtue of that agreement, the World Bank would have first claim on Iraqi oil earnings.

Current creditors to Iraq would have a stake in such an agreement because the World Bank would provide the resources needed to generate the oil revenues necessary for the repayment of long-term debt. The unilateral financing of Iraqi reconstruction not only places much of the burden for Iraq's reconstruction on U.S. taxpayers rather than Iraqis, but also provides a disincentive to Iraq creditors to give the World Bank or other international lending institutions the preeminence in debt restructuring that would be necessary to generate new lending.

An additional advantage of channeling reconstruction aid through international lending institutions is that it increases the scrutiny over the funding of specific projects and helps to insulate the process from the prospect of cronyism that may develop when all contracts are controlled by one government dominated by one political party.

*6. All of the spending that will result from this \$86.9 billion appropriation will be added to the Public Debt. Our children and grandchildren will have to pay that interest every year until they find the funds to pay off those loans.*

Based on projections by the Congressional Budget Office, interest payments on U.S. treasuries over the next several years are likely to average about 5%. That means that on a permanent basis we will be spending over \$4 billion a year just to cover the interest payments that this supplemental will require us and future generations to make. To put that in perspective, it is more than we currently spend each year for research on Alzheimer's disease, autism, breast cancer, ovarian cancer, prostate cancer, diabetes, Parkinson's disease, Lou Gehrig's disease, multiple sclerosis and all forms of kidney disease combined.

We could quite easily prevent this huge cost from being passed on to the next generation by simply returning the top income tax bracket to the level it was when George W. Bush was inaugurated. High income Americans would still get tax breaks as large or larger than those provided to any other income group, but they would not get the mega breaks promised in the tax measures signed into law the last several years. In total, this proposal would generate more than \$125 billion in additional revenue between now and calendar year 2011. That would not only cover the cost of this supplemental, but also at least a portion of future Iraq-related military and reconstruction costs.

Some will undoubtedly argue that high-income persons have a right to rely on these rate cuts since they have already been enacted. But it can also be argued that many guard and reserve members had no reason to expect that their lives and careers

would have been totally disrupted by the lengthy deployments that our efforts in Iraq now require. It is important to recognize that this effort is imposing consequences beyond what was initially expected and that people in all income groups should share those consequences.

7. Even if one concludes that this supplemental adequately supports our troops; does all that is necessary to recondition equipment necessary for military readiness; provides the right reconstruction assistance in the right manner; is balanced and proportionate in the assistance it provides to Iraq relative to spending here at home and in other needy countries; does not place too much burden on American taxpayers and that the package should be financed by adding to the public debt, there is one additional consideration that thoughtful legislators should weigh before they commit themselves to support this package. *The Administration is still incapable or unwilling to articulate a coherent and workable underlying strategy to accomplish our mission and bring our troops home. Since the power of the purse remains the only effective means that the Congress has to ensure for the American people that such a strategy exists and that it has a reasonable chance for success, support for these funds prior to evidence of such a strategy would be an abdication of responsibility.*

During each of the four hearings held before the Appropriations subcommittees before reporting this \$87 billion package, administration witnesses repeatedly stated that they could not comment on a time frame for a transition of decision making authorities to Iraqi leaders, that they had no idea how many troops would be required beyond next September, that they could not guess as to what contributions in terms of military assistance or cash would be forthcoming from other nations, that they had no idea how much additional Iraqi reconstruction money would be requested for fiscal year 2005 or subsequent years, or how the Iraqi deployment might affect other long term priorities within the defense budget.

It is clear that if the Congress had more energetically exercised its Constitutional responsibilities prior to the invasion of Iraq it could have forced the administration to make more thoughtful and sober assessments of the costs as well as the benefits of the proposed policy and could have brought into the open the fact that there was essentially no realistic planning for the post invasion phase of the deployment. If the Congress allows the current package to move forward without more answers than it has now, it is giving up the only mechanism the American people have for determining whether the current planning is superior to that which brought us to the place we now find ourselves and whether or not more realistic plans should be formulated before additional assistance is taken from the Treasury.

#### OUTLINE OF THE OBEY SUBSTITUTE

A substitute to the Committee package was offered during the markup. The substitute would have done the following:

1. Reduced total reconstruction grant funds by \$4.6 billion and added \$4.6 billion for a series of military needs:

- \$600 million for various quality of life measures for our troops including water purification; pre-deployment health and dental

screening; extension of guard and reserve health benefits from 60 days to 6 months after deployment; prepaid phone cards; R&R transportation costs and a number of other items.

- \$3 billion for reconditioning of equipment damaged in Iraq. This is on top of the \$4 billion already in the bill for equipment reconditioning. It is the full amount requested by the services and the maximum reconditioning we could accomplish over the next twelve months.

- \$1 billion to lift the 480,000 cap on Army personnel and permit the Army to recruit 20,000 troops or approximately one additional division to reduce the strain that currently exists on both the regular army and reserve and guard units.

The \$4.6 billion reduction in reconstruction could be accomplished by reducing reliance on large multinational corporate contractors and encouraging the use of local labor and be deferring funds for a portion of the large scale projects where no construction plan currently exists and the ability of the CPA to obligate funds prior to the end of the currently fiscal year is highly doubtful.

2. Divide the remaining \$14 billion in reconstruction funds into two parts. Seven billion dollars would be provided to the CPA for high priority items contained in the request. The other \$7 billion would be transferred to a Trust Fund at the World Bank. World Bank access to those funds would be conditioned on contributions from other nations of at least \$3.5 billion. The resulting \$10.5 billion fund would be used as security for the sale of an additional \$42 billion in World Bank bonds. These bonds would be used for Iraqi reconstruction. A recent United Nations, World Bank assessment of Iraqi infrastructure, education, health, private sector and security needs identified \$54 billion in requirements over the next three years. The proposed World Bank trust fund could meet the vast majority of those needs without further contributions from the United States.

3. Finally, the proposed substitute was fully paid for by returning the tax rate for individuals in the top federal income tax bracket (generally people with incomes in excess of \$350,000) to the 39.6% level that existed in January 2001. These individuals would continue to benefit from the rate reductions on income at lower levels and would in fact still receive tax breaks as large or larger than taxpayers at any other income level.

DAVE OBEY.

## ADDITIONAL VIEWS OF CONGRESSMAN JOHN P. MURTHA

The architects of the Iraq war badly miscalculated the security, economic, and political challenges the United States would face following the end of major conflict. These miscalculations have resulted in a heavy price being paid by our troops, their families, and the American taxpayer. Let me give you some examples:

- I've visited hundreds of our troops in several military hospitals and talked to the families of those who died in Iraq. For example, recently I visited a young Marine at Walter Reed Army Hospital. He had lost his eye, left hand, and two fingers from his right hand in an explosion in Iraq as he was disarming unexploded bomblets. His left leg ultimately required amputation at the kneecap. Every day we see our casualties mount and our financial costs grow. The price that young Marine paid and we as a Nation are paying is indeed a heavy price, yet the architects of this deployment have paid no price.

- During a recent trip to Iraq, I learned of severe shortages in critical equipment. These included a shortage of over 44,000 sets of body armor with life-saving Kevlar inserts, radio frequency jammers that prevent the remote detonation of bombs, and Kevlar blankets for HMMWVs that provide additional protection against injury by mine fragments. Our troops also reported that they were in desperate need of up-armored HMMWVs. And one-third of the Bradley armored personnel carriers possessed by the Army division patrolling the "Sunni Triangle" were deadlined because there were no spare tracks.

- There have been serious miscalculations in the post-war planning with regard to sustaining the troops. Forty-eight percent of our combat Army troops are currently deployed. One-quarter of our Guard and Reserves are currently activated and have been ordered to extend their deployments in Iraq from six months to one year. Yet, following Operation Desert Storm, our allies contributed \$51 billion of the total \$60 billion price tag for that war. The architects of the current deployment estimated the United States would receive some \$55 billion in contributions. To date we've received only about \$1.5 billion; the shortfall leaves virtually the entire cost to the United States.

- The degree of resistance to the current occupation also surprised the architects. They said we would be greeted with "open arms". They said we would be able to draw down the forces quickly once conflict ended. They did not foresee the continuing need for the 130,000 troops that we have stationed in Iraq today and did not anticipate that mines and rocket-propelled grenade attacks would require Bradley fighting vehicles to escort every convoy running from Kuwait to Iraq.

- Secretary Rumsfeld recently said, "I don't think people really fully understood how devastating that regime was to the infra-

structure of that country, how fragile the electric system is, how poorly the water is being managed.” The architects of the post-war plan should have placed greater emphasis on obtaining such vital information. They should have known.

- Four months now from the ‘official’ end of major conflict, there is about 60 percent unemployment in Iraq, compared to 40 percent prior to the war. Areas of Iraq have one-third less electricity, and the oil production is only one-quarter of what it was prior to the war. Deputy Secretary of Defense Paul Wolfowitz, one of the architects of the war, completely miscalculated the degree to which oil revenues would finance the reconstruction of Iraq when he told Congress in March 2003, “We are dealing with a country that can really finance its own reconstruction and relatively soon.”

The architects should have known.

President George H.W. Bush said in *A World Transformed*, “Trying to eliminate Saddam, extending the ground war into the occupation of Iraq, would have violated our guideline about not changing objectives in midstream, engaging in mission creep, and would have incurred incalculable human and political costs \* \* \* Apprehending him was probably impossible. We had not been able to find Noriega in Panama, which we knew intimately. We would have been forced to occupy Baghdad and, in effect, rule Iraq.”

General John Abizaid, Commander of CENTCOM, told me during one of my visits to the Middle East prior to the war, “Indications are that the military problem will not be as tough as the aftermath.”

Former Secretary of the Army Thomas White was right on the mark when he said, “Clearly the view that the war to liberate Iraq would instantly produce a pro-United States citizenry, ready for economic and political rebirth, ignored the harsh realities on the ground.”

If we hope to receive meaningful international support, if we hope to quickly energize Iraq, and if we hope to “Iraqatize” the civil and private sectors there, the Administration must hold accountable the people who were responsible for these gross miscalculations. In the meantime, the United States, the Iraqi people, and the international community must work to undue the damage done by the architects’ miscalculations and quickly stabilize Iraq. Otherwise, we could face a long and more costly guerrilla war—a heavy price for our soldiers and their families to pay.

JOHN P. MURTHA.